

THE MADRAS LEGISLATIVE COUNCIL.

Friday, the 18th November 1949.

The House met in the Council Chamber, Fort St. George, at eleven of the clock, the Deputy President (THE HON. SRI K. VEN-KATASWAMI NAYUDU) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Treatment of Sri M. Muthuswami, a member of the Coimbatore Municipal Council, who died in the hospital.

* 32 Q.—JANAB ABDUL LATIF FAROOKHI : Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the Government have received a copy of the resolution passed by the Coimbatore Municipal Council demanding enquiry regarding the indifference and apathy shown by the doctors on duty in the hospital in connexion with the treatment of Sri M. Muthuswami, a member of the said Council, who died in the hospital after being suddenly taken ill at the meeting of the Council on 16th August 1949; and

(b) if so, what action the Government have taken on that resolution?

THE HON. DR. T. S. S. RAJAN :—“(a) Yes.

“(b) A preliminary enquiry was made by the District Medical Officer and although it indicated that the allegations were not correct, the Surgeon-General has been asked to have a regular enquiry held and to report to Government.”

JANAB ABDUL LATIF FAROOKHI :—“May I know, Sir, when this enquiry is to be held?”

THE HON. DR. T. S. S. RAJAN :—“It is to be held by the Surgeon-General.”

Issue of a Press Note drawing attention to rule 26 of the Government Servants' Conduct Rules.

* 31 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Premier be pleased to state—

(a) whether it is a fact that the Government have issued a Press Note drawing attention to rule 26 of the Government Servants' Conduct Rules;

(b) if so, the reasons which necessitated the issue of the Press Note;

(c) whether the rule referred to in clause (a) is intended only in regard to “Promotions of Government servants” as the heading indicates or whether it is applicable to other cases as well;

[18th November 1949]

(d) what remedies exist now to Government servants to bring to the notice of Government in regard to promotions, punishments, etc.;

(e) whether it is open to Government servants to send up memorials to His Excellency the Governor against the orders of Government; and

(f) whether the Retrenchment and Reorganization Committee made any recommendation in this regard and if so, what the decision of the Government is on the recommendation?

THE HON. DR. T. S. S. RAJAN (on behalf of Hon. the Premier):—“(a) The answer is in the affirmative.

“(b) It was observed that in spite of the instructions previously issued in the matter, some Government servants were seeking the aid of influential members of the public and Members of the Legislature for the furtherance of their interests. The Press Note was issued with a view to stopping this growing evil.

“(c) The rule applies to all cases in which a Government servant brings or attempts to bring any political or other outside influence to bear upon any superior authority for the furtherance of his interests.

“(d) They can make their representation to Government through the proper channel.

“(e) Yes.

“(f) The Retrenchment and Reorganization Committee recommended that in the light of the constitutional changes, the provisions relating to memorials regarding disciplinary matters either to Government or the Governor should be abolished. The Government did not, however, accept the recommendation.”

SRI R. SURYANARAYANA RAO :—“The Retrenchment and Reorganization Committee made the recommendation as under the new Constitution, His Excellency the Governor will not have anything to do with memorials and so, should it not be considered by the Cabinet?”

THE HON. DR. T. S. S. RAJAN :—“The Retrenchment and Reorganization Committee's recommendation has not been accepted.”

SRI R. SURYANARAYANA RAO :—“May I know, Sir, who the authority is who will deal with memorials?”

THE HON. DR. T. S. S. RAJAN :—“The Premier is the authority who will deal with it.”

SRI R. SURYANARAYANA RAO :—“In respect of orders passed by the Hon. Premier, which is the authority which will deal with memorials, Sir?”

THE HON. DR. T. S. S. RAJAN :—“It is the Premier who will have to re-consider the whole thing.”

18th November 1949]

SRI P. R. K. SARMA :—“ May I know, Sir, whether these amendments to Government Servants' Conduct Rules apply to industrial workers of the Government who are members of registered and recognized trade unions? ”

THE HON. DR. T. S. S. RAJAN :—“ They are not members of the Service in the strict sense of the term; they belong to the labour organization.”

SRI P. R. K. SARMA :—“ May I know, Sir, whether the amendments to the Government Servants' Conduct Rules to the effect that any attempt on the part of the Government employees to refuse to receive wages is an offence, has been made applicable recently to industrial workers, for example, the workers of the Public Works Workshops? ”

THE HON. DR. T. S. S. RAJAN :—“ No such representation has been received by the Government.”

SRI R. SURYANARAYANA RAO :—“ In fairness to the Hon. the Premier and the parties concerned, is it not proper, Sir, that the recommendations of the Retrenchment and Reorganization Committee which suggested that in such cases, the Cabinet as a whole should consider the appeals, especially in the interests of the Government servants involved, should be re-considered by the Government? ”

THE HON. DR. T. S. S. RAJAN :—“ The recommendations of the Committee are certainly beyond their purview. In these matters, it is the Premier who will have to deal with it and it need not necessarily go before the Cabinet.”

SRI R. SURYANARAYANA RAO :—“ Under the new Constitution, will the memorials go to the Governor or as under the present set-up, is it the Hon. Premier that is the final authority? ”

THE HON. DR. T. S. S. RAJAN :—“ A separate question may be put; but I may tell the House that, to the extent that I know, this question has not yet come before the Government.”

The Gandikottah Project.

* 33 Q.—**SRI R. SURYANARAYANA RAO :** Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the investigation of Gandikottah Project has been completed;

(b) whether the question of taking up this project without reference to the proposed Krishna-Pennar Project has been considered by Government;

(c) what the probable estimated cost, the ayacuts served, etc., of the Gandikottah and the Krishna-Pennar projects are; and

(d) whether the question of remodelling the Gandikottah Project to be linked up with and to form part of the Krishna-Pennar Project has been further examined and if so, what the tentative, if not final, results are?

[18th November 1949]

THE HON. SRI M. BHAKTAVATSALAM :—“(a) The reservoir has been investigated and the field investigation is almost complete.

“(b) Yes. The present idea is to consider the scheme as an independent one in the first instance.

“(c) The probable cost of the Gandikottah Project is estimated at Rs. 5 crores based on the present day rates. As an independent scheme it will have an ayacut of less than one lakh of acres of which 10,000 acres will be wet and the rest irrigated dry. If linked with Krishna-Pennar Project the ayacut will be 1.5 lakhs of acres of wet. The probable cost of the Krishna-Pennar Project will be about the order of Rs. 100 crores and its ayacut will be about 3 million acres including 1.5 lakhs of acres under Gandikottah reservoir.

“(d) Yes. In view of the fact that the link up of the Gandikottah Project with the Krishna-Pennar Project will result in considerable advantages to the area to be served by the former, it is considered that the link up should be made, but that the Gandikottah Reservoir with a slight change of site to suit the link up later on, should be considered soon after the plans and estimates for it have been finalized.”

SRI R. SURYANARAYANA RAO :—“May I take it, Sir, in view of the fact that the Krishna-Pennar Project will cost Rs. 100 crores though it serves a bigger ayacut and since for the Gandikottah Project the estimates are all ready, the Government will have no hesitation in taking it up?”

THE HON. SRI M. BHAKTAVATSALAM :—“I have already answered the question in the affirmative, Sir.”

Expenditure on contingencies.

* 34 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Finance be pleased to state—

(a) whether an officer was placed on special duty to examine expenditure on contingencies;

(b) what the recommendations of the officer are;

(c) whether effect has been given to any or all of his recommendations and the consequent savings effected on that account;

(d) whether the officer went into the question of work-charged establishments and menials paid from contingencies; and

(e) what the recommendations of the officer are in this regard and what orders, if any, have been passed by the Government on the recommendations relating to these?

THE HON. SRI B. GOPALA REDDI :—“(a) Yes.

“(b) The recommendations are too numerous to be catalogued. The report of the Special Officer (which is not printed) consists of two parts—Part I contains general suggestions for

18th November 1949]

economy applicable to all Government offices and Part II contains suggestions applicable to particular departments and offices.

“(c) The Government have examined the suggestions applicable to all Government offices and have issued necessary instructions to Heads of Departments in G.O. No. 424, Finance, dated 29th April 1949, a copy ^a of which has been placed on the table of the House. The suggestions relating to particular departments and offices are being examined separately in the Departments of the Secretariat concerned and suitable instructions are being issued. It is not possible to estimate the savings actually effected on account of the orders already issued.

“(d) & (e) The Special Officer did not go into the question of work-charged establishments and menials paid from contingencies. He, however, suggested that in certain cases menials might be employed only on a part-time basis. The orders passed by the Government in the matter are as follows :—

‘Heads of Departments should examine the case of all menials paid from contingencies who are employed in offices under their control on a full-time basis and consider whether they may be employed part-time, so that the payment of dearness allowance to them may be avoided, wherever possible.

Where a full-time punkah-puller or watchman is employed in a small office, he may be required to do sweeping work also without payment of extra remuneration. A whole-time watchman in addition to a whole-time sweeper for small offices should be avoided. Menials paid from contingencies should not be appointed in order to increase the strength of peons in an office.

Full-time gardeners seem to be employed now in many offices. The Government consider that full-time gardeners should be employed only where the compound of the building in which the office is located is large and the garden has to be maintained properly (e.g., in cases where vegetables are grown in pursuance of the Grow More Food Campaign). In other cases, arrangements should be made to look after the garden with the help of the sweepers, watchmen, etc., paying small extra remuneration where necessary.

Where a number of small offices are located close to one another, one sweeper may be employed for all the offices put together, but where small offices are scattered and a common full-time sweeper cannot be employed, only part-time arrangements should be made. A full-time sweeper or waterman for a single office should be confined to very big offices such as the Secretariat, High Court, Board of Revenue, Inspector-General of Police, Surgeon-General, Director of Public Instruction, etc.

[18th November 1949]

Heads of Departments concerned may, if they consider it *absolutely necessary*, employ full-time menials for any of the above purposes in their own offices'."

MRS. MONA HENSMAN :—" May I know, Sir, whether the work of a sweeper and a watchman is not diametrically opposed to each other, the one employed during day light and the other working through the night? "

THE HON. SRI B. GOPALA REDDI :—" It is true that one works during day time and the other at night. In the case of big offices, they can be employed separately but in small offices there need not be two separate persons to do the so-called diametrically opposed work."

SRI P. R. K. SARMA :—" What is the amount of work that the part-time workers do; how many hours does it consist of? "

THE HON. SRI B. GOPALA REDDI :—" It may be from one to five hours."

SRI P. R. K. SARMA :—" May I know, Sir, what the recommendations are in regard to work-charged establishment? "

THE HON. SRI B. GOPALA REDDI :—" We gave general instructions to see that where full-time servants are employed, whether they could not be employed on a part-time footing, if there is not enough work for full-time servants."

SRI P. R. K. SARMA :—" May I ask, Sir, if the work-charged establishments are full-time or part-time servants? "

THE HON. SRI B. GOPALA REDDI :—" It all depends upon the nature of work they are doing."

SRI P. R. K. SARMA :—" May I enquire whether the Government are going to implement the recommendations of the Cabinet Sub-Committee on salaries regarding the confirmation of work-charged establishments? "

THE HON. SRI B. GOPALA REDDI :—" It was considered several times by the Cabinet also and in certain cases, they have accepted the recommendations and we have given effect to them; perhaps other cases are being examined still."

SRI R. SURYANARAYANA RAO :—" In view of the fact that a large number of posts are under work-charged establishments and also menials are paid out of contingencies, will the Government undertake an enquiry into the need for these work-charged establishments and compare the rates of pay given to them so that their terms of service and service conditions may approximate to those of other servants of Government? "

THE HON. SRI B. GOPALA REDDI :—" The need for economy is there and a special officer was appointed to go into this question of economising expenditure on contingencies. If you undertake anything like an enquiry on the suggestion

18th November 1949]

of the hon. Member, the expenditure will be increased and the purpose of appointing the special officer will not be served."

SRI R. SURYANARAYANA RAO :—" May I submit that it is just possible, Sir, that expenditure may not increase at all but on the other hand, there will be a contented staff? As the special officer was not asked to enquire into this aspect of the matter, will the Government consider it now so that there may be a contented staff without extra cost? "

THE HON. SRI B. GOPALA REDDI :—" I do not think that without additional expenditure, you can create greater contentment among the part-time and full-time servants of the Government. I think necessarily, it means increased expenditure. Otherwise, I suppose, we will not be able to give any contentment to those people."

SRI P. R. K. SARMA :—" In regard to staff paid out of contingencies who have put in long and meritorious service, may I ask, Sir, whether they will be compensated in case they are retrenched on account of the present proposals? "

THE HON. SRI B. GOPALA REDDI :—" The matter may be considered separately."

Re-training of L.T. teachers in Basic Education.

* 35 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Education be pleased to state—

(a) whether it is a fact that the Government have decided that all L.T. teachers should be re-trained in Basic Education;

(b) if the answer to (a) is in the affirmative, what the purpose of re-training is and whether it is proposed to be confined to L.T. teachers employed in training schools only;

(c) what the period of re-training and the arrangements made for the same are;

(d) what arrangements, if any, will be made for normal work during the absence of teachers for re-training;

(e) whether this re-training is insisted upon in respect of all training schools—Government and aided; and

(f) whether any syllabus for re-training has been framed and if so, what the syllabus is?

THE HON. SRI K. MADHAVA MENON :—" (a) No. It is proposed to re-train annually a limited number of L.T. teachers in Government service and in training schools under private management.

" (b) Re-training in Basic Education is given with a view to provide the personnel necessary for manning the Government Basic Training Schools and for the inspection of Basic schools. Re-training will not be confined to L.T. teachers

[18th November 1949]

employed in training schools. Deputy Inspectors and teachers employed in other Government institutions are also selected for re-training. With a view to enable private managements to convert their schools into basic training schools, L.T. teachers for training schools under private managements are also selected for re-training in Basic Education.

“(c) The period of re-training is five months. For that, courses have been arranged in the Basic Training schools at Perianaickenpalayam and Pentapadu. A few Government Officers are deputed to Sevagram also.

“(d) During the absence of teachers for re-training, the normal work will be carried on by the substitutes appointed in their places.

“(e) For the present, the selection of candidates for re-training in Basic Education is restricted to those who are willing to undergo the course.

“(f) Yes. A copy of the syllabus is placed on the table of the House.”

11-15
a.m.

SRI R. SURYANARAYANA RAO :—“ Sir, have the Government examined, whether, if Basic Education is to be a success, the craft process they have instituted for re-training these L.Ts. and other teachers, should not be confined to one craft, but there should be as many crafts as possible, for it is mentioned in item 11 of the syllabus that training is to be given only in cleaning, ginning, carding and slivering and spinning? ”

THE HON. SRI K. MADHAVA MENON :—“ Sir, for the time being we have taken all the aspects of spinning cotton only. We propose to introduce agriculture and other handicrafts and a little bit of engineering also.”

DR. V. K. JOHN :—“ Sir, have Government's attention been drawn to the view expressed by Dr. C. R. Reddi on Basic Education and the sub-leader of the *Madras Mail* in yesterday's issue of that paper? ”

THE HON. SRI K. MADHAVA MENON :—“ Apart from the view of Dr. C. R. Reddi reported in the *Madras Mail* of yesterday's date, I had the privilege of discussing this with him, and with great respect to him, I differ from him in his view on this matter.”

SRI R. SURYANARAYANA RAO :—“ May I inquire, Sir, whether Government consulted other educationists regarding the objective of Basic Education and whether the Government are convinced that the objective of Basic Education as envisaged by the Central Government is in consonance with that of this Government? ”

18th November 1949]

THE HON. SRI K. MADHAVA MENON :—“ There is a Central Advisory Board of Education which contains almost all the eminent educationists in India and they have indicated their view in the matter.”

SRI R. SURYANARAYANA RAO :—“ Is not Dr. C. R. Reddi a member of that Central Advisory Board of Education ; and is not the view expressed by that Board in their report different from that of this Government? ”

THE HON. SRI K. MADHAVA MENON :—“ No, Sir. I am not sure whether Dr. C. R. Reddi is a member of that Board. Whatever it may be, this Government do not agree with him on this question.”

Judgment on the Habeas Corpus application filed by Srimathi Manikonda Suryavathi.

* 36 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Premier be pleased to state whether the Government have perused the judgment of the High Court in the *Habeas Corpus* application filed by Srimathi Manikonda Suryavathi and what action has been taken to rectify the defects in enquiry, disposal of representations, etc., to which pointed attention has been drawn, especially on the inordinate delay on the part of the District Magistrate in sending replies to references?

THE HON. SRI K. MADHAVA MENON (on behalf of Hon. the Premier) :—“ The Government have perused the judgment of the High Court in the *Habeas Corpus* application filed by Srimathi Manikonda Suryavathi. Suitable instructions have been issued by Government to the authorities concerned regarding the avoiding of delays, etc., in respect of cases relating to persons detained under the Madras Maintenance of Public Order Act, 1947.”

Adequacy of the staff of nurses, etc., in the City hospitals.

* 37 Q.—MRS. M. N. CLUBWALA : Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the hospitals in the City have adequate staff of nurses, male nurses, thoties and other staff; and

(b) whether the Government are aware of the shortage of accommodation and consequent overcrowding in all the hospitals in the City and, if so, what steps the Government are taking to meet the same?

THE HON. DR. T. S. S. RAJAN :—“ (a) The strength of the nursing staff is adequate. The staff of compounders, nursing orderlies, cooks and thoties are sanctioned according to standard scales fixed with reference to the bed strength and whenever there is any increase in the bed strength, the Surgeon-General applies for sanction for the required additional staff.

[18th November 1949]

“(b) Yes. The question of increasing the bed strength of the Government General Hospital is under consideration, but the problem of accommodation in present financial condition is difficult. To prevent overcrowding in the city state hospitals, the Government are considering a suggestion that patients who come from the mufassal may be asked to produce letters from some medical men mentioning what treatment had been given to them and why it is necessary to admit them in the city state hospitals. The Government are also considering, the question of giving financial help to the Indian Red Cross Society for starting and maintaining a hospital for incurables on the foreshore of the Cholavaram lake to which may be transferred chronic and incurable cases which come to the city state hospitals for treatment.”

MRS. MONA HENSMAN :—“ Is the Hon. Minister aware that there is overcrowding in the Mental Hospital; that there are two thousand patients there, while there is accommodation only for 750 patients? Is this not nothing short of criminal—if I may make bold to use such strong language—to allow overcrowding in that hospital, as it stands on a different footing from other ordinary hospitals, where patients are there due to ill-health, and so, they more or less lie in bed or on the floor, and this overcrowding may be allowed there a little. But in the case of the Mental Hospital, Sir, can it be allowed, because the patients there, cannot adjust themselves to society, and therefore will the Hon. Minister see? . . . ”

THE DEPUTY PRESIDENT :—“ The hon. Member should put a supplementary question and not make a speech.” (Laughter.)

MRS. MONA HENSMAN :—“ Yes, Sir. Is the Hon. Minister aware that there is overcrowding in the Mental Hospital and it is nothing short of criminal to allow it? ”

THE HON. DR. T. S. S. RAJAN :—“ Government are aware of the fact mentioned by the hon. Member, and steps are being taken to prevent overcrowding; and all that can be done is being done.”

DR. V. K. JOHN :—“ Are male nurses essential for service? ”

THE HON. DR. T. S. S. RAJAN :—“ I do not know to which class of service the hon. Member is referring.”

DR. V. K. JOHN :—“ I am talking of male nurses.”

No reply.

SRI R. SURYANARAYANA RAO :—“ Do Government contemplate to hand over the Temple Garden to the Royapettah Hospital when the Tuberculosis Hospital now located there is removed to Tambaram? ”

THE HON. DR. T. S. S. RAJAN :—“ The question is under consideration; but no decision has been taken yet.”

MRS. M. N. CLUBWALA :—“ Is the Hon. Minister aware that orders were passed to convert and increase certain beds in the

18th November 1949]

Royapuram Hospital, but were subsequently withdrawn due to want of finance?"

THE HON. DR. T. S. S. RAJAN :—" It may be so. The fact is that we are lack of funds."

MRS. M. N. CLUBWALA :—" Is the Hon. Minister aware that the nurses quarters in the Royapuram Hospital are very crowded and the nurses have to sleep in unhygienic conditions, which is detrimental to their health and work?"

THE HON. DR. T. S. S. RAJAN :—" Arrangements are well on the way to provide them with accommodation, and if even then some could not find accommodation, they may be accommodated in the new nurses quarters that is nearing completion."

Grievances of students who have been denied admission to the Engineering Colleges.

* 38 Q.—SRI L. SUBBARAMA REDDI (on behalf of Sri B. Bhima Rao) : Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government have received any representations and perused communications in the Press regarding the grievances of students who have been denied admission to the Engineering Colleges in the Madras Province on the ground of their caste; and

(b) whether the present Government have decided to allow any percentage of admissions to be made on the ground of merit and, if so, how much?

THE HON. SRI M. BHAKTAVATSALAM :—" (a) The reply is in the negative.

" (b) No reservation on grounds of merit only has been ordered except to the extent that seats for which candidates are not available according to the prescribed communal, linguistic and district basis, will be filled up on the basis of merit only provided district and linguistic quotas are not affected."

DR. V. K. JOHN :—" Will Government consider the question of abolishing communal rotation for admission to colleges and other educational institutions?"

* THE HON. SRI M. BHAKTAVATSALAM :—" We allot seats according to community and according to district. The idea behind this rule is that this valuable education should be distributed among all the communities and among all the areas."

DR. V. K. JOHN :—" Have Government taken steps to provide accommodation for all applicants for admission, and how far have they succeeded?"

THE HON. SRI M. BHAKTAVATSALAM :—" It is not practicable to provide accommodation for all the applicants. We

[18th November 1949]

have now four engineering colleges; and it is not possible to add anything to it."

DR. V. K. JOHN :—" Have Government envisaged a time at which admission for all applicants can be given in colleges? "

THE HON. SRI M. BHAKTAVATSALAM :—" Unless we add to the colleges we now have, it is not possible. We do not know whether we would be able to add to the existing colleges, as we have yet to see the three newly started colleges fully equipped."

DR. V. K. JOHN :—" Have Government any scheme under contemplation to add colleges so that all applicants may be given admission? "

THE HON. SRI M. BHAKTAVATSALAM :—" There is no scheme at present."

DR. V. K. JOHN :—" Will Government consider the question of adding to the number of colleges to meet the growing need? "

THE HON. SRI M. BHAKTAVATSALAM :—" As I have said, for the three colleges we have recently started we have to equip them with buildings and other things. Till that is done it is not possible to add to the number of colleges."

Revision of scales of pay of peons, etc.

* 39 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Finance be pleased to state, with reference to G.O. No. 718, Finance, dated 9th July 1949, relating to revision of scales of pay of peons, etc., under the Madras Inferior Service, whether the Government have under consideration the question of revising the scales of pay of peons, etc., under the Madras Inferior Service who have already reached the maximum of Rs. 25?

THE HON. SRI B. GOPALA REDDI :—" No."

SRI R. SURYANARAYANA RAO :—" Sir, have Government recognized the need to increase the scales of pay of peons who have already reached the maximum salary of Rs. 25 and still in service. May I know why their case should not be considered favourably."

THE HON. SRI B. GOPALA REDDI :—" For the obvious reason of lack of finance."

SRI P. R. K. SARMA :—" May I know why the same consideration, on which the minimum salary of other Government employees was raised, should not be applied to raise the minimum salary of peons? "

THE HON. SRI B. GOPALA REDDI :—" I have raised their minimum salary to Rs. 18."

JANAB K. T. M. AHAMED IBRAHIM :—" Do Government expect the peons on a salary of Rs. 18 a month to live? "

THE HON. SRI B. GOPALA REDDI :—" Over and above that they are getting a dearness allowance of Rs. 18 or Rs. 19."

[18th November 1949]

JANAB K. T. M. AHAMED IBRAHIM :—“ Do Government think that salary plus dearness allowance will be sufficient for any man to maintain his family? ”

THE HON. SRI B. GOPALA REDDI :—“ Peons are maintaining their families all right.” (Laughter.)

JANAB K. T. M. AHAMED IBRAHIM :—“ How? ”

THE HON. SRI B. GOPALA REDDI :—“ I do not know; I think it is quite sufficient; they are maintaining their family.”

JANAB K. T. M. AHAMED IBRAHIM :—“ Does not the Hon. Minister think that it is due to this inadequate salary there is a lot of tipping and bribing in the case of peons? ”

THE HON. SRI B. GOPALA REDDI :—“ I do not think all the seventeen thousand or eighteen thousand peons are being tipped by hon. Members or their friends.”

JANAB K. T. M. AHAMED IBRAHIM :—“ Have they got any ostensible means of livelihood, considering the salary and the dearness allowance they are paid and the high cost of living? ”

THE HON. SRI B. GOPALA REDDI :—“ I have not conducted an economic survey of the properties of the peons! ”

JANAB K. T. M. AHAMED IBRAHIM :—“ May I inquire whether from a common sense point of view there is not a necessity, without conducting an inquiry into their economy, to increase their salary, as it is only small now? ”

THE HON. SRI B. GOPALA REDDI :—“ Previously, the scale of pay was Rs. 12 to Rs. 16. Now it has been enhanced to Rs. 18 to Rs. 25 plus a dearness allowance of Rs. 17 or Rs. 18. So from Rs. 12, their salary has gone up to Rs. 36 or Rs. 37 as basic salary.”

SRI P. R. K. SARMA :—“ Is the Hon. Minister aware that the cost of living has gone up three times since the commencement of the war? ”

THE HON. SRI B. GOPALA REDDI :—“ The salary also has gone up three times, Rs. 12 to Rs. 36.”

SRI P. R. K. SARMA :—“ May I inquire, Sir, whether the Rs. 12 paid before the war was then sufficient for them to keep their body and soul together? ”

THE HON. SRI B. GOPALA REDDI :—“ For a very long time, for peons, that scale of pay was in force.”

JANAB ABDUL LATIF FAROOKHI :—“ If the Hon. Minister thinks a small salary of Rs. 25 a month is sufficient for peons to maintain their family, will he consider the advisability of revising the salaries of high-paid officials including Ministers? ”

THE HON. SRI B. GOPALA REDDI :—“ The salary of Ministers including that of hon. Members of the Legislature cannot be touched so easily.”

[18th November 1949]

SRI P. R. K. SARMA :—“ May I know whether the lowest salary paid to Government employees is Rs. 10, and even less and that is the salary of the workers in the King Institute, Guindy, and that limit of Rs. 10 has been recently fixed by the Finance Department? ”

THE HON. SRI B. GOPALA REDDI :—“ I do not think it is a full-time job. Perhaps it is a part-time job, and so he is paid that salary.”

JANAB ABDUL LATIF FAROOKHI :—“ Sir, while it is possible for increasing the salary of members of the Legislature and Ministers by passing an Act in this House and in the other House, is it not easy similarly to pass an Act to reduce their salary? ”

No answer.

SRI R. SURYANARAYANA RAO :—“ Are Government aware of the scales of salary and allowance of Central Government employees in this City and in this Province? ”

THE HON. SRI B. GOPALA REDDI :—“ We are fully aware of the scales given by the Government of India.”

SRI R. SURYANARAYANA RAO :—“ So, are they also aware of the disparity in the scales of the Provincial Government and the Central Government? ”

THE HON. SRI B. GOPALA REDDI :—“ We are also fully aware of the disparity between the two scales of pay, and we are also fully aware of the position of the Government of India with regard to their general scales of pay.”

SRI P. R. K. SARMA :—“ Are Government aware that the Government of India are giving a higher dearness allowance to their employees? ”

THE HON. SRI B. GOPALA REDDI :—“ It may be so.”

SRI R. SURYANARAYANA RAO :—“ Are Government aware that this disparity is causing heart-burning among their employees? ”

THE HON. SRI B. GOPALA REDDI :—“ This difference between Provincial Government employees and Central Government employees was always there. It is not a recent innovation. Right from the Secretary to Government down to peon, there is this disparity, and we do not propose to give them Government of India scales of pay.”

11-30 A.M. DR. V. K. JOHN :—“ Do the Government believe in a contented service? ”

No answer.

DR. V. K. JOHN :—“ Will the Government undertake an economic survey to find out whether the pay and dearness allowance given to peons and other menials are sufficient for their living? ”

18th November 1949]

THE HON. SRI B. GOPALA REDDI :—“ I will have to cut coat according to the cloth available. In view of the financial stringency, I do not think I can enhance the salary of either the low paid or the high paid servants. So an economic survey at the present juncture may not be desirable.”

SRI P. R. K. SARMA :—“ Will the Government consider the desirability of raising the salary of those who are drawing below Rs. 18 to Rs. 18, the minimum salary given to the peons? ”

THE HON. SRI B. GOPALA REDDI :—“ If the post is a full-time job, we will certainly consider the raising of its minimum salary to Rs. 18.”

Conference of those interested in juvenile delinquency.

* 40 Q.—MRS. M. N. CLUBWALA : Will the Hon. the Minister for Education be pleased to state whether he has received a request for having a conference of those interested in juvenile delinquency and allied subjects and, if so, whether he contemplates convening this conference?

THE HON. SRI K. MADHAVA MENON :—“ It has been proposed to constitute a Committee to report on jail reforms. With reference to certain suggestions received in regard to the tackling of the problem of juvenile delinquency, it is proposed to ask the Jail Reforms Committee to report also on the problem of juvenile delinquency in the Province.”

SRI R. SURYANARAYANA RAO :—“ May I know whether sufficient representation will be given to those who are interested in juvenile delinquency on the proposed Jail Reforms Committee? ”

THE HON. SRI K. MADHAVA MENON :—“ I think the Chief Inspector of Certified Schools will be there. I do not know who else will be on the Committee and I cannot say anything now.”

MRS. M. N. CLUBWALA :—“ May I know whether representation will be given on the Committee to voluntary organizations interested in the problem of juvenile delinquency? ”

THE HON. SRI K. MADHAVA MENON :—“ The proposed Committee for Jail Reforms consists of officials and non-officials and includes men who know the problem of juvenile delinquency also.”

MRS. M. N. CLUBWALA :—“ A Bill to deal with juvenile delinquency has been promised, and is the Hon. Minister aware that we are not yet able to see the Bill? ”

THE HON. SRI K. MADHAVA MENON :—“ It is not yet time for the hon. Members to see the Bill. It could be seen when it is published for eliciting public opinion.”

[18th November 1949]

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—MOTION UNDER RULE 15 OF THE MADRAS COUNCIL RULES.

THE HON. DR. T. S. S. RAJAN :—“ Sir, under sub-rule (3) of Rule 15 of the Madras Council Rules, I move—

‘ that the Madras Essential Articles Control and Requisitioning (Temporary Powers) Bill, 1949, as passed by the Assembly be taken into consideration before the Draft Rules under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 ’.”

THE DEPUTY PRESIDENT :—“ The motion before the House is—

‘ that the Madras Essential Articles Control and Requisitioning (Temporary Powers) Bill, 1949, as passed by the Assembly be taken into consideration before the Draft Rules under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 ’.”

The motion was carried.

III.—THE MADRAS ESSENTIAL ARTICLES CONTROL AND REQUISITIONING (TEMPORARY POWERS) BILL, 1949.

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ Mr. Deputy President, Sir, I beg to move—

‘ that the Madras Essential Articles Control and Requisitioning (Temporary Powers) Bill, 1949 (L.A. Bill No. 25 of 1949) as passed by the Legislative Assembly be taken into consideration at once.’

“ The House is aware that on the 18th October 1949, the Madras Essential Articles Control and Requisitioning (Temporary Powers) Ordinance was promulgated by His Excellency the Governor. As the Ordinance has to be brought forward in the form of a Bill and passed into an Act before the prescribed period, I request the hon. Members to consider and pass the Bill.

“ The provisions of this Bill are the same as those of the Madras Essential Articles Control and Requisitioning (Temporary Powers), Act, 1946, with only a few consequential changes. Some clauses may appear to be new, but actually they are not new but the same as the sections of the 1946 Act. Many of the provisions of the Act were not enforced at all, as there was no occasion for enforcing them. It only gives power to the Government, and it will be used on very rare occasions and perhaps not at all used.”

THE DEPUTY PRESIDENT :—“ The motion is—

‘ that the Madras Essential Articles Control and Requisitioning (Temporary Powers) Bill, 1949 (L.A. Bill No. 25 of 1949), as passed by the Legislative Assembly be taken into consideration at once.’”

18th November 1949]

JANAB ABDUL LATIF FAROOKI :—“ Mr. Deputy President, Sir, I move—

‘ that, under Rule 111 (1) of the Madras Council Rules, the concurrence of the Legislative Assembly be obtained in setting up a Joint Select Committee of both the Houses consisting of fifteen members (five members from the Council and ten from the Assembly) to consider the Madras Essential Articles Control and Requisitioning (Temporary Powers) Bill, 1949, as passed by the Assembly.’

“ This can be considered to be a very moderate request. As a matter of fact, we feel that this Bill is practically unnecessary. The Act which this Bill reproduces has been in force from 1946, and the Government have not been able to achieve the object for which it was passed. Therefore there seems to be no justification for bringing forward this Bill. In spite of the existence of the Act, blackmarketing was going on. Permits were given to people who were favoured by the Government or the authorities issuing the permits. Rice was sent from one place to another without being detected, the cases detected being very few. To say the least, the Government were in a way helping the people to indulge in these activities. The Government acted like the man who gave previous intimation to the thief that the police were coming. The Government were broadcasting months in advance the action that they proposed to take. For instance, recently there was shortage of sugar. From about three months in advance, the Government were saying that they would seize stocks and control prices. The merchants became alert, hid the stock of sugar they had, and were selling it at an exorbitantly high price. At last there came a day when the Government fixed the price of sugar. By then all the available sugar went underground and people could not get sugar at the control price. The Hindus went without sugar during their important festival, Deepavali, and the Muhammadans went without sugar during Mohurram when they used to prepare a sugar syrup or *sherbath*. In my own house, the *sherbath* was not prepared this year for want of sugar. What is the purpose in passing laws if they are not going to be effectively enforced? The Government can take both the Houses into confidence, and refer the Bill to a Joint Select Committee which will consider the Bill calmly and dispassionately and suggest useful amendments, instead of passing laws in a hurry. Such an important Bill affecting the fundamental liberty of a citizen as the Maintenance of Public Order Bill was introduced in this House only yesterday, and we were asked to pass it yesterday itself. I only want that this Government, which have already become unpopular, should not become more unpopular. My fear is that not one of the present members of the Legislature including the Members of the Treasury Bench will be returned in the next election if we go on in this manner. Therefore I submit that we must at least consider the measures dispassionately. After all, a Joint Select Committee is not going to do any harm to the Government. By our suggestion to refer the

[Janab Abdul Latif Farookhi] [18th November 1949]

Bill to a Committee, we are only saving the prestige of the Government. If amendments are accepted in this House, they have to go back to the other House for approval. I do realize that this difficulty is there. For this reason the Government are not prepared to accept amendments in this House.

11-45
a.m.

"But, I ask, Sir, why should not the Government accept the proposal to refer the Bill to a Select Committee of the Lower House or to a Joint Select Committee of both the Houses? The Government could have just consulted the Members of both Houses in the Joint Select Committee and amendments which will be acceptable to the legislature, and which will not be challenged either in this House or in the Lower House could be made to the Bill and if such a Bill is passed by the Legislature, then both the Government and Members of the House will have the satisfaction that everything had been done to tone down the repressive character of the measure.

"Now, Sir, let me examine some of the clauses of the Bill which, in my opinion, are very drastic. Sir, clause 4 (1) says—

'4. (1) If, in the opinion of the Provincial Government, it is necessary or expedient so to do for maintaining, increasing or securing supplies of any essential article or for arranging its equitable distribution and availability at fair prices or for directing, maintaining or increasing the production of any essential article, the Provincial Government may, by order in writing, requisition any property, movable or immovable, and may make such further orders as appear to them to be necessary or expedient in connexion with such requisitioning.'

"I submit, Sir, that this is a clause which confers arbitrary powers on the Government. The Government can requisition any property, can requisition anything, any building, including dwelling houses. In the second proviso to this clause, it is stated, "Provided further that buildings solely used for residential purposes shall not ordinarily be requisitioned". It does not exclude the possibility of requisitioning even dwelling houses. Then the Government in order to guard against further intervention by the people who are affected, have made another provision ousting the jurisdiction of the courts, thus preventing them to seek redress in courts of law. Sir, clause 17 of the Bill says—

'No court shall, in any suit in which the validity of an order issued or action taken under this Act is in question, have power to issue any injunction, whether permanent or temporary, so as to restrain the Provincial Government or any authority or officer empowered by or under this Act from executing or carrying out any order passed by them or by him under this Act, or in any way interfere with or affect such order.'

"Now, Sir, this provision ousting the jurisdiction of civil courts has become a common feature in almost all the measures enacted by this Government. We had cried hoarse against such a provision, but our cries had only been in the wilderness and I am sure, Sir, our cries even now are going to be in vain. But the Government should not think that they can go on flouting our opinion in this manner. A day will come when this very Government, this very administration, which is now trying to exclude the jurisdiction of civil courts, will themselves feel and will themselves be anxious that courts should interfere under these very Acts. People who are

18th November 1949] [Janab Abdul Latif Farookhi]

responsible for enacting these draconian measures might themselves be hauled up under these very Acts. They may then repent the day that they passed these Acts in the teeth of opposition, ousting the jurisdiction of civil courts, because it is a sacred privilege of the people. What is it that the courts do? They are also part of the Government; they are, in fact, one of the limbs of the Government. They do not act in any way against the interests of the Government, nor are they out to favour the people. They hold the scales of the balance even, between the Government and the people, and between one party and another. If a party affected goes to the highest court in the land, and that tribunal gives a decision, either in his favour or against him, he is satisfied. The Government must allow the parties to go even to the highest court in the land, so that the parties may have the satisfaction of having exhausted all means available to them to get justice. People must feel that they had had recourse to the highest judicial authority in the country and that that judicial authority had felt that they were not right. That would give them great satisfaction. Now this clause says that even if their property is requisitioned and their dwelling houses taken away, they should not have any recourse to a court of law."

THE HON. SRI K. MADHAVA MENON :—" That clause does not say anything like that, Sir. The hon. Member is simply imagining certain things. It only says that 'you can go to court, but that no injunction will be granted by that court'. That is all it says, Sir."

DR. V. K. JOHN :—" Sir, the Hon. Minister will have his chance to reply to this at the end."

JANAB ABDUL LATIF FAROOKHI :—" Sir, let me read the clause once again very clearly. It says : ' No Court shall, in any suit in which the validity of an order issued or action taken under this Act is in question, have power to issue any injunction . . . ' What I say is that no court has power to issue injunctions. Suppose the Government had taken away the house of a person and had kept it for themselves for years together, where is the remedy for the man? That is my interpretation, Sir. If the Hon. Minister feels that the court can interfere and has jurisdiction, then I ask him, in all earnestness and in all humility, where is the necessity for this clause 17 at all? Then why not delete this clause? Why should you say that it is necessary and should be retained in this Bill? I therefore submit, Sir, that the Government are trying to take arbitrary powers, powers which infringe upon the right of the individual and upon the right of the society, by means of this legislation.

" Then Sir, let me come to clause 12 (1). It says—

' If any person contravenes any order made under section 3 or section 4 or section 7 (1) (a) or continued under section 9, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.'

[Janab Abdul Latif Farookhi] [18th November 1949]

“ Sir, the imprisonment of three years is itself a long period and a heavy punishment indeed. Perhaps all these enactments may not be in force even for so long a period, on account of the new constitution that is going to be usured in for Independent India. This clause says that besides three years imprisonment, he can also be fined and even after that, his property can be confiscated. Is this the sort of justice we are meeting out to people for any crime committed under this Act? Is it with a mere vindictive motive that we are enacting these laws? You imprison a man, and along with it, you fine him and even after that you want to confiscate his property and make him a pauper and rowdy in consequence. Is that your intention by enacting a legislation like this? What is then left for the man to get on in life, and where is he to go and how is he to earn his livelihood? You are not enacting this legislation for simply punishing a few people, who have got the tendency to commit crimes. An Act is enacted only in cases where there is a general tendency on the part of the public to commit crimes. Such being the case, if you think that there are so many people who have a tendency to commit crimes, and if you are going to imprison them, you are only going to aggravate the food situation, because you have got to feed them; and if at the same time you are going to confiscate their property, what is left for those people in the world to live on, except to try to create revolution to overthrow this Government and create chaos and disorder in the country? Are you going to create a situation like that by means of this measure? Therefore, Sir, it is that I submit that all these clauses must be toned down and must be modified in order that people might have a chance to rectify themselves, even though they have committed an error. Sir, people are apt to err; they may sometimes commit crimes, but they should be given a chance to improve their character and to rectify their criminal tendencies. Even black-marketers should be given a chance to correct themselves. Therefore, I say that such rigorous provisions should not be included in the acts which we pass, and I feel that this clause needs very great modification and that the Bill should be taken before a Joint Select Committee for being considered and thrashed out again.

“ Then Sir, I come to clause 12 (2). It states—

‘ Where any essential article is seized under the authority of an order made under this Act or continued under section 9 and such order provides for the forfeiture of the article in respect of which the order has been contravened, such forfeiture may, whether or not any prosecution is instituted for a contravention of the order, be adjudged by the Collector of the district or Presidency town in which the seizure was made, and any forfeiture so adjudged shall, subject only to an appeal which shall lie to the Provincial Government, be final.’

“ Sir, who is the executive authority who passes an order of seizure? It is the Collector, who owes his position to the Government. He always looks to the Government for favours and for promotion. He will always have an eye upon the Government to see that he pleases the Government. Therefore he will certainly pass an order which will be pleasing to the Government. Then that order will not go on appeal to any court of law. The appeal

18th November 1949] [Janab Abdul Latif Farookhi]

lies only with the Provincial Government, which is also the executive authority and that is the final appellate authority. What will the Government do in such a case? They will simply dismiss the appeal and uphold the order of the Collector, as otherwise the prestige of the Government will be at stake. Therefore, Sir, it is necessary that this clause also should be reconsidered and modified, and it is only a Select Committee that can do so. If, on the other hand, the Government with all these defects and all these rigours in the Bill, pass it, without any amendment and without considering it again, what will the public outside think of this legislation and of the Government which enact this law?

“ Then Sir, take clause 13. It is also a very drastic provision indeed. It says—

‘ Any person who attempts to contravene or abets or attempts to abet or does any act preparatory to a contravention of an order made under this Act or continued under section 9 shall be deemed to have contravened the order; and any person who, knowing or having reasonable cause to believe that any other person is contravening any order made under this Act or continued under section 9, gives that other person any assistance with intent thereby to prevent, hinder or otherwise interfere with his arrest, trial or punishment for the said contravention, shall also be deemed to have contravened the order.’

“ Sir, here it is not the actual perpetrator of the crime, but the people who are suspected to be abettors, by somebody in whom this power is vested, who are being made punishable. Some person in authority in whom this power is vested may misuse this power and haul up any man and every man and say, “ You are an abettor and therefore you are punishable under this clause.” He may have some personal spite or jealousy and other personal motive against this man. Here this clause relates only to abettors and not the man who actually has committed the crime. I submit, Sir, that this is also a very drastic provision which also requires some modification.

“ Again, Sir, let me come to clause 16. I feel, Sir, that this is a very important clause. It says—

‘ Where any person is prosecuted for contravening any order made under this Act, or continued under section 9 which prohibits him from doing an act or being in possession of a thing without lawful authority or excuse or without a permit, licence, certificate or permission, the burden of proof that he has such authority or excuse or, as the case may be, the requisite permit, licence, certificate or permission shall be on him.’

“ I submit, Sir, that this clause is against all principles of law and all canons of jurisprudence, because up till now we have been thinking that the burden of proof lies, not on the accused, but on the prosecution. That has always been a healthy principle of law that has been followed in all courts. It is the complainant who has got to prove that a particular man has committed an offence. Sir, I am not a lawyer and I do not know, nor have I heard the existence of a provision like this in any Act or law. This is an unheard of thing. Everybody knows that the burden of proof is on the complainant. The accused is not even asked any question in a court of law. He is simply asked to state whether he pleads guilty or not. Nothing else is asked of him.

[Janab Abdul Latif Farookhi]

[18th November 1949]

12
noon.

“ Evidence is adduced against him. He is asked to defend himself, and the burden of proof rests on the prosecutor. The Hon. Minister for Law is an eminent lawyer himself. Nobody can question about his eminence in law. He himself knows—I need not say this, because it will mean carrying coal to Newcastle—that the burden of proof rests on the complainant. Why do you change that procedure now? Why do you go against all principles of law? Anywhere in the world, the accused is simply to sit mum and silent; he is not asked to say anything even in cases of murder. Do you place the burden of proof on the accused and ask him ‘ well; it is for you to prove that you have not committed murder ’. You do not do that. Is the crime under this Bill more heinous than murders. How are the Government passing Bills like this thinking that people outside do not understand these things. People outside this Legislature are more sensible than this Legislature or at least as sensible as people who are sitting here. When they read the papers, they say ‘ what are these people doing like mad people who know nothing ’. Sir, I do not want to use expressions used by the people. They say ‘ what are these people, ignorant people, doing, as if people outside the Legislature do not know anything ’. This is the way in which the Legislature, the Ministers and this House are treated by the people. Therefore we must do thing which will always convince the people outside. What will the people outside say? They will say that if a man who has committed murder is asked to stand in the box, that man will not be asked to prove that he is innocent. The proof of murder rests on the prosecutor. The greatest crime that can be committed is murder. There is not a more heinous crime than murder. If a murderer is not asked to prove his innocence and if the burden of proof should rest on the prosecutor to prove his guilt, I would submit that in this case, greater consideration must be shown. In cases like this, the man should not be asked to prove that he is innocent. The fact that he is not innocent should be proved by the prosecutor. Because of these reasons, I submit that there is necessity for a Joint Select Committee. The request for a Select Committee was turned down in the other House. I would have asked for a Select Committee of this House, but as the request for a Select Committee has been refused in the other House, I thought that it would be better that a Joint Select Committee of both the Houses might be constituted to consider the various Clauses of the Bill, so that the rigour of the Classes might be toned down and the Bill put in a form which would be acceptable to the people, which would be workable, which would not inflict hardships on the people, and which would redound to the credit of both Houses of Legislature. Therefore, I submit that the Assembly should be requested to concur in the setting up of a Joint Select Committee of both Houses. I hope that the Hon. Ministers and Members on the other side of the House will see the reasonableness of this request and accept my amendment. Sir, I move my amendment.”

DR. SYED TAJUDDIN :—“ I second the amendment.”

18th November 1949]

*SRI R. SURYANARYANA RAO :—“ Mr. President, Sir, I had no intention of taking part in this debate, believing as I do, and differing from my hon. Friend the Leader of the Opposition, in controls. What I am surprised is that when a measure of this kind is brought forward, which is merely a repetition of the Act passed in 1946, I expected the Government to examine how far the provisions meant to be used in 1946 were really necessary in 1949. It appears to me that the Hon. Minister for Law assured us yesterday that his department keeps careful watch over the Acts that are to expire and bring them to the notice of the Government whether they should be extended or not. When a Bill of this nature was brought forward, was every clause that is inserted examined to see whether the necessity for it existed? We expected that the Hon. Minister for Food would make out a case why he felt that powers of requisitioning and acquisition were necessary. The curious thing is that they have referred to the provisions of the Defence of India Rules which have already become defunct. It is true that these provisions were necessary at the time of war and also when we had not recovered from the after effects of war. Are we now in a state of War that this Government should have the power to requisition and acquire property? These are provisions which the Government should possess only in times of great danger. I do not think the Government have bestowed any thought on any of the provisions included in this Bill. They have simply copied the 1946 Bill, put it as an ordinance, and having made it an ordinance, they have to pass a Bill before the expiry of the stipulated period. Therefore it is that this Bill has been brought forward. I do not think this is fair to the Legislature. They want to restrict this Bill to 30th September 1950. If the conditions which exist now are such as to make the Government feel that they need all these various powers, what makes them think that by 30th September 1950 such a necessity will not continue to exist? Sir, I sympathize with the amendment of my friend Mr. Farookhi. If the Hon. Minister for Food had agreed in the lower House or even if he now agrees to refer this Bill to a Select Committee, the Select Committee might weed out those provisions which are of no use, and which should not find a place on the statute book. Only those essential powers required for the purpose of carrying on the controls in regard to food and other essential articles need be taken. All kinds of things have been put in this Bill. People outside think that we are mad. My friend Mr. Farookhi said that we were trying to introduce provisions in this Bill for which there was no need at all, and that the Government were trying to take powers unnecessarily. The result is that the statute looks very respectable with a number of pages, but none of its provisions will be utilized. I do not know why the Government need these powers of requisitioning and acquisition. Even the Hyderabad trouble is over. At that time it was felt that we might need powers to acquire and requisition certain properties with a view to carry on certain operations, if necessary, against Hyderabad. The surprising thing is the Schedule to the Bill. Certain articles are mentioned there. The Government have the power to add to the list other articles also when they find it necessary to do so. My hon. Friend the Leader

[Sri R. Suryanarayana Rao]

[18th November 1949]

of the Opposition asked me 'how is it that the foodgrains are not included under this Bill; they are administering the foodgrains control order also, and it must come under this Bill.' I think the Hon. the Food Minister will answer this point. (Interruption.) It may be under the Central Government's control orders. With these few words, Sir, I support the amendment of my friend Mr. Farookhi. Even if there is delay in the passage of the Bill, we are perfectly willing to give to Government all the powers in order to carry on the strict control over all essential articles. But if this Bill is referred to a Select Committee, it will be possible to remove all unnecessary provisions and make this Bill small and contain only essential provisions. With these few words, I support the amendment of my hon. Friend Mr. Farookhi."

* SRI N. RANGA REDDI :—" Mr. President, Sir, I do not want to take up the time of the House on all the provisions of this Bill, but I would like to say a few words with regard to clause 7 of this Bill. Clause 7 refers to the control of agriculture. I submit it is a very difficult matter in which the Government will find themselves and very inconveniently placed to operate this clause for more reasons than one. I may submit that I am not opposed to the imposition of controls if they are absolutely necessary for controlling the price of essential articles. But if for any reason the control imposed is impossible or impracticable, I submit that control need not be exercised. It is from that point of view that I would like to say a few words regarding clause 7. Clause 7 seeks to empower the Government or any person authorized by the Government to impose restrictions with regard to the kind of crops to be sown. I may here also remind the House that this Bill is only for a limited period. It will be in force only till the 30th September 1950. Within this period of one year, one may probably raise two wet crops or one dry crop, if it is a dry crop. If power is taken by Government to impose restrictions on the sowing of crops, and dispossess the previous owner and give possession of lands to another person, to sow a particular kind of crop, what will happen? Though this may look feasible on paper, in practice it will not at all be workable. After all in particular seasons in a year we have to sow particular crops. Only at a particular point of time, a particular crop can be sown. You cannot find out whether the ryot who has been asked to sow a particular crop in a particular season is going to sow that crop. When you come to know that he has failed to comply with the order given to him, that particular crop season will be over. Anybody who is asked to sow that particular crop at that time will not be in a position to do so. Therefore, I would like to impress upon the Government that this provision is highly impracticable in the very nature of things. After all, for a limited period, this provision will not be very effective. We will only incur the discontent of the peasants so far as this clause is concerned.

12-15
p.m.

"Sir, there is also another point that I would like to emphasize."

DR. V. K. JOHN :—"Am I to understand that the hon. Member feels that the Government are doing impracticable things? He is himself degrading the Government, Sir."

18th November 1949]

* SRI N. RANGA REDDI :—“ I am not doing it, Sir. If some provision is found to be detective, I am expressing my opinion.

“ Sir, there is another point to be considered in this connexion. If control of an article is to be imposed, it should be imposed not only at the time of its birth as it were but also at the time of its growth and at the time of its distribution and so on. I would like to make my meaning quite clear. It is not sufficient for the Government to say that a particular crop ought to be sown over the land. If the Government were to say that a particular crop ought to be sown over the land, they should also take care to see that a particular price is fixed which can be said to be remunerative so far as the peasant is concerned and if the peasant is not able to get that remunerative price, it would be very hard and cruel on the part of the Government to say ‘ I dictate to you that only a particular crop is to be sown and you should obey me.’ After all, this is not a case of unilateral transaction because so many penalties are also provided. Clause 7 (1) (a) only gives power to the Government to provide, by notified order, for prohibiting a particular act and the Government say ‘ If you transgress this order, I will punish you.’ But so far as this Act is concerned, it is not only a case of unilateral transaction but something has to be done by the Government also. No doubt, the Government will issue an order to the peasant to grow or sow some particular crops on his land. But after the crops have been sown, it is the duty of the Government to see that his crops are also sold at a reasonable and fair price. Otherwise, the Government will be taking a very hard view of the matter and thus the peasant would be put to a serious loss.

“ Sir, as I said, the Government having given an order, should also fix a reasonable price. I hope they will do so and see that proper distribution is made to the consumers in the Presidency. But what happens is the price that has been fixed by the Government on a particular occasion is not going to prevail for that whole year and they are going to change in the middle of the year that price which was fixed for one particular time. That has happened in the course of this year itself. A particular price was fixed for foodgrains. That price has been abandoned and a new price has been fixed which will come into force either from 1st November or 1st December. No doubt the Government will say “ We have no control over the price of these foodgrains; that is a matter which is entirely left to the discretion of the Central Government.” But that argument does not hold water. I would submit to the Hon. Minister for Law that my point with regard to clause 7 is that the control exercised by the Government should not be confined only to asking the peasant to grow a particular crop but it should also go further and the Government must say that they are going to purchase the foodgrains raised by him, at a particular price. Then only it will be practicable and reasonable.

“ Another point is, having said so, it is the duty of the Government to see that they purchase those foodgrains, whatever be the price. They are proceeding on the assumption that what is called

[Sri N. Ranga Reddi] [18th November 1949]

the 'political price' which has been fixed at the beginning of the year will continue throughout the year. But unfortunately our market price does not depend on, or is not commensurate with, or is not the same as the political price. It varies with varying circumstances."

DR. V. K. JOHN :—" I want to know the meaning of the term 'political price'."

*SRI N. RANGA REDDI :—" Sir, the meaning of the term 'political price' is a price which has been fixed by the Government whether it is in relation to all the factors that have been taken into consideration in producing the crops or otherwise, whereas a market price is one which is ranging in the market irrespective of other considerations. Therefore, I would submit that the political price and the market price are not always the same. They differ. Hence, when once a political price has been fixed, irrespective of whether the market price is the same as the political price or not and whether the market price is lower than the political price or not, the Government should be in a position to purchase all those articles or grains which have been produced by the peasant at the instance of and in conformity with the order. But unfortunately my experience has been otherwise. We know, Sir, that there has been control exercised over the purchase of foodgrains. As I said, I have no quarrel about it at all. I do want the foodgrains to be procured and I also want the Government to distribute them at reasonable prices to the people. That is the duty of any civilized Government. But what happens is this. Last year—I am talking of the conditions that prevailed before the cyclone and the floods—some people were clamouring that the procurement of foodgrains had not been very satisfactory. I may submit there was no need for procurement at all because the market price was far below the price fixed by the Government. Therefore, what happened was that the people who were appointed as procuring agents were not willing to purchase the foodgrains in the open market, because when once the foodgrains had been purchased in the open market, they could sell them only to the ration shops and ration shops were also not willing since the ordinary consumer was getting his articles for a very low price in the open market. Therefore, the procuring agent was reluctant to purchase these foodgrains and was not willing to shoulder the responsibility under the law. So, what I would like to submit to and impress upon the Government is when once they have taken upon their shoulders the duty and the responsibility of providing the foodgrains at a reasonable cost to the people, they should procure them at a reasonable price and even if the price goes down in the open market, it is their duty to shoulder the responsibility and pay the loss to the procuring agent who purchases those foodgrains. Sir, this sort of thing is going on even now in the mufassal places. When I debated this point in the local Food Committee, one respectable official holding the position of a Deputy Collector said, 'We have

18th November 1949] [Sri N. Ranga Reddi]

been seeing the market price is much lower than the political price. I am trying my level best to procure these foodgrains and yet I am not able to get them.' I said, 'It passes my comprehension when the market price is much lower than the political price or the Government price, the peasant will be so foolish as not to take advantage of this position and sell his foodgrains to the Government.' The political price on paper might be much higher than the market price. But when once the peasant parts with his foodgrains to the Government, what happens? He will not be able to get back his money immediately; probably he will have to spend much more; and if the difference between the market price and the political price is large the attempt will be to sell his grains only to the local dealer rather than to the Government. He will have the satisfaction of only selling his foodgrains to the Government at a higher price, but in practice he will get much less. Therefore, you will have to see the reason. The peasant, being a human being, is actuated by reasonable motives. Though the price is not high, he is selling it only to the local dealer and not to the Government. This feature even now prevails. The margin between the political price and the market price is very high but the peasant is not willing to sell his grains to the Government though the Government price is higher. Therefore, I would like to submit, please don't be satisfied with imposing restrictions on the peasant by simply asking him to sow a particular crop but see that you fix a particular price which is reasonable even before the crop is raised and then if the dealers are not willing to purchase it, you take the responsibility of purchasing those grains and thus create confidence in the minds of the peasant. The Government must give him an assurance. 'Whatever may be the consequence, I am here to protect you. I asked you to raise a particular crop; I won't make you lose.' Then only the Government can control. Otherwise, it will be impossible, in the nature of things, to impose a condition like this. Therefore, I would submit to the Government that not only should they impose such restrictions but also they should see that the restrictions cover the entire field, from production till distribution. Then only the control will be satisfactory.

"Regarding the control of other articles also, the Government must see that they fix a very fair and reasonable price which will attract or tempt the peasants as a whole. Otherwise, imposition of control is practically a nullity."

* DR. V. K. JOHN :—"Mr. Deputy President, Sir, in attempting to pass this Bill into law, I feel the Government do not realize one fundamental or elementary principle that the object of all control is decontrol. The very day you introduce control, you must have a definite plan to get rid of that control. In 1946 we passed a law for a limited period to control the production, supply, distribution, transport and prices of essential articles and trade and commerce therein and requisitioning of property. Now the Hon. Minister in introducing the Bill said and correctly said that that Act was not made use of very much except in the case of one

[Dr. V. K. John] [18th November 1949]

12-3
P.m

article which I will mention now. This Act was almost a dead letter. I have not heard except in respect of one article complaint against Government that they have used arbitrary powers of control under this Act which we passed in 1946, because there was no need for the Government to exercise control. The only control they exercised is on article No. (11) in the Schedule 'Motor vehicles (new or used)'. In 1946 there was a rush for the purchase of motor vehicles and Members of the Legislature who were given first priority were in the field and the Government helped them and there was even an inquiry whether a large majority of the motor vehicles purchased under control were not put into the black-market. Control and blackmarket always go together; therefore, we should not exercise any control over anything unless it is absolutely required. Control was exercised in the case of cars; so many people who had influence purchased cars under permits and then sold them away at higher prices and were thus benefited. All this is known to the members of the public. Now, except for this article 'motor vehicles' what is the control the Government have exercised? Hon. Roche Victoria said, 'we have not exercised much of this control at all. In a panic, this Act was passed, introducing the requisition of immovable property, etc., in 1946. I ask: are the Government living in closed rooms, not being in touch with what is happening around them in the City and in other parts of the Province? Why do they want control on various articles mentioned in the schedule—firewood, charcoal, livestock, non-edible oil-seeds, dyes, etc. I say, except for one or two of the articles mentioned here, there is no necessity for control at all. I know some merchants who are selling dyes—some of them are my clients—I am told dyes have the poorest market: there are not sufficient number of people to buy the stuff and prices have gone down to half the old level; and still this Government, living inside a shell, without any touch with public opinion and the market, ask us to pass a law enabling them to control dye-stuffs, and control new cars, for which there is no sale. Sir, control is something which gets into the flesh of the Government and sticks there, not like a leech, but as part and parcel of their very existence. Without control and ordinance, the Ministers will go and weep: they can be happy only with controls. Look at this Act which they want to re-introduce in 1949? What is the definition of 'essential articles' given here? 'Essential articles' mean any of the articles specified in the schedule to this Act and any other article which may be declared by the Provincial Government by notified order to be an 'essential article.' They can even say, with due respect, Sir, that the turban worn by anybody—say the Deputy President—could be an essential article and notify it. The power is vested in them to do so. Why do they want a schedule at all. I ask? There must be somebody in the Government, he may be a head clerk, a Superintendent, an Assistant Secretary or Secretary—who can think. Once the Government take power to say that anything they declare will be a controlled article and comes under the purview of this Act, why should there be a schedule, putting

18th November 1949] [Dr. V. K. John]

into it, charcoal, dyes, cars, etc.? It is a comedy one cannot understand. This responsible Legislature has to look into every clause, every sentence, even a comma, and fulstop in an Act; have we the responsibility to go into everything and scrutinize what they are doing? Is this a school-boys' room where something is dictated by the schoolmaster and then carried and passed by the votes of boys who are bound to vote? This is a disrespect to a Legislature constituted as it is—the Assembly and the Council. They say there is no need for control but still they want control because it has become part of their constitution; they say 'we cannot sleep, we cannot eat, we cannot smile unless we introduce this control'. That seems to be their attitude. It is a very wrong thing. First, let them learn the elementary principle that the object of all control is decontrol. If they never requisitioned property at all, why this control again? Then what is it that they have done under this law? If I were to advise, I would have asked them to have a brief, very small Act; let them take control over articles which they may declare from time to time and take power for control of production, supply, distribution, transport and trade and commerce therein, as they have said. Two sections are enough, and they can declare from time to time what is an essential article. Again, why fix a date, 30th September 1950? Let them have a permanent law. It is a popular Government and we will give them all support. Instead of that, ignorance—after all ignorance is bliss—of everything that is taking place in the Province, is evidenced by their asking us to re-enact a temporary enactment of 1946, passed under circumstances absolutely different from what they are to-day. This is treating the Legislature, a respectable body of persons who have got to make law for the Province to bind the people of the Province, with scant courtesy—a Legislature where they have a steam-roller majority which will vote for them. Is it not a tragedy that this Government, having got advisers, think that they themselves have no time to attend to all this, but think they can take up the time of the Legislature? That is why my hon. Friend said that a Select Committee could have discussed and examined the provisions, but they won't have it. They simply come here and say 'an ordinance was passed some time ago; let us pass this Bill for another year'. It is not merely a comedy, it is a tragedy. It is most irresponsible conduct on the part of the executive to come forward with measures for which there is no reason or rhyme. Why control firewood, charcoal, non-edible oil-seeds, dye-stuffs, dyes used for textile printing, artificial silk varn and motor cars, new or used, all of which can be had in plenty in the market—I can never understand it at all. Should they not have looked into the schedule for one minute and found that the schedule need not be there? They can notify any of these articles from time to time. I ask this Government to think a little before they come to the Legislature of the Province and ask it to pass Acts. Why make the Statute Book larger with all these control Acts? If somebody edits the Madras Acts to-day, they will go into volumes; formerly for a hundred years and

[Dr. V. K. John] [18th November 1949]

odd, we had only one book—the Lawyers' Library contained one book for all Madras Acts, but to-day you must have a dozen. After the Congress Government came into power Acts after Acts were passed, absolutely unnecessary Acts. What is the necessity for this Act? Did the Hon. Minister who introduced the Bill tell us that the Government found need for control over charcoal, firewood, livestock, etc.? He has not said a word at all. In fact, if the Government want cars—only their prices are high, but—they can be had in plenty and no control is required over cars at all. Although this measure will be passed into law, in spite of our protest, it might be the Government will still be in difficulties regarding essential articles. We might be on slippery ground, 'but let us use that stick for walking over the slippery ground'—they might well say so. But do not always be bound to a stick for walking, otherwise you will become weak—that is what I would say. Let not Government think that controls are part and parcel of the Government machinery; we must get rid of all control. Let people be free, let markets be free. The Government simply want to introduce control, merely copying some Act which was in force in 1946, passed in circumstances quite different and with different objects. And here they are taking up the time of the House, asking us to pass something which is unnecessary and superfluous, without even correcting the mistakes in the schedule and in the body of the Act. This Bill is no compliment at all to the Government; Government have better duties to attend to and this House also has got better duties to attend to. This Bill pays no compliment to the Government; it is a pity that the Government should have thought it necessary to re-enact this 1946 Act. I ask the Hon. Minister: although you may get this Bill passed to-day, bring in another amending Bill to delete the clauses which are not required and the schedule, retaining only such clauses as are absolutely necessary, so that the people of the Province may be impressed that the Government are after all a thoughtful body and they think and act sensibly. Now, if any member of the public reads this Bill, he will laugh. Should this Government be the subject of ridicule and laughter? We are interested in the prestige and reputation of this Government; but we are very much more interested in the prestige and reputation of this House which the Government try to spoil by introducing such Bills and getting them passed by the majority which they can command at any time."

* THE HON. SRI K. MADHAVA MENON :—" Sir, the hon. Leader of the Opposition said that Government have better duties to do than bring legislation like this. I also think that to-day he has no better thing to do; he would never have talked like this if he had any other business to attend to. The whole speech of the Leader of the Opposition can be said to be nothing more than waxing eloquent over nothing."

DR. V. K. JOHN :—" It is a great thing, Sir, to wax eloquent on something, but a man waxes eloquent on nothing at all on occasions,"

18th November 1949]

THE HON. SRI K. MADHAVA MENON :—" I admit his capacity for that, Sir. Apart from that, if he thinks this is sheer waste of time to go through this Bill here, is it not a greater waste of time to refer the Bill to a Select Committee who will spend another two days over it? "

DR. V. K. JOHN :—" But the Select Committee would have cut down the unnecessary clauses."

* **THE HON. SRI K. MADHAVA MENON** :—" It is true that at the time when it was passed in 1946, some articles were included in regard to which there were no control orders; but there was control over firewood, over charcoal, non-edible oil seeds and manure. Subsequently, we added a number of things by notification and some of them are still under control. Cinchona bark and cinchona products, we have removed control over them; cotton, Indian and foreign, is still under limited control. Control over timber we have removed; iron and steel control still exists. Controls have been removed on paper, brass and copper, etc. In regard to cotton seeds and oil seeds, there was control till recently and we have just removed it. So much so, there are always some articles under control. Nevertheless, there is one item over which is a cloud hanging whether there should be control or not and that is, firewood, which is a matter that is causing a bit of anxiety. There was a time when firewood was not available in Madras for love or for money and with control we were able to secure it for the people, but with regard to it we are still in doubt as it is a difficult case and we do not know whether a time will come when we will have to do like that. Motor cars, we have removed control over them . . . "

DR. V. K. JOHN :—" But they are in the schedule of this Bill."

* **THE HON. SRI K. MADHAVA MENON** :—" By another clause, we have removed control over cars and have limited it to 10 per cent on the sale of cars. There are 11 items in the schedule. By various notifications, we have removed one article after another from the schedule as and when we found there was no necessity for controlling that article. Sir, now cement, cotton, iron and steel are controlled commodities. If we find that there was no necessity for classifying a particular article as 'essential' we will not keep that in the schedule a moment further. The Legislature has given sanction for this Act to remain in force till September 1950."

12-45
P.M.

DR. V. K. JOHN :—" My point is that this schedule is repeated as from the old Act of 1946. It is not answered."

* **THE HON. SRI K. MADHAVA MENON** :—" It is not possible to answer all the questions of my hon. Friend. He asks, 'Why is not the schedule repealed?' Sir, this is a question in which we have to act cautiously. Take the case of firewood. The position has not been good for some time past. God help us, so that we

[Sri K. Madhava Menon] [18th November 1949]

may not bring in firewood also in this schedule and control it. So, if we were to remove this schedule, we cannot bring such essential articles as firewood and cattle feed, the positions of which are worsening, under the schedule and control them. I can only say that the items in the schedule are only those which are absolutely necessary to be controlled. We have to keep certain items in the schedule, which are in short supply to ensure that the public do not suffer for lack of these articles. Sir, we do not know what our position will be with regard to firewood and cattle feed in view of the terrific cyclone that has happened in Andhra Desa recently. We may have to take action with regard to these articles and we may have to control them.

"It is said that we are completely shut in the cells of the Secretariat and do not know public opinion. I can only pity my friends who say like that. It is only like a jaundiced person seeing everything yellow. I cannot satisfy those friends. But I can satisfy others, whom these friends want to confuse, that there is necessity for this Bill.

"Considerable misapprehension has been expressed about clause 7. Mr. Narayanaswami Nayudu asked me whether there was a provision like this in the original Act. I told him that there was a provision in the original Act. I have also told him that though there was this provision in the old Act, it was not used, nor was there an occasion to use it. I showed him the original Act also. I have also told him that what was contemplated was only to control such of the essential articles like livestock, manure, eggs, etc., which are in the schedule and there is no question of requisitioning agricultural land. As already stated, the question of the agricultural lands being taken will never come.

"I was rather surprised at the legal objections raised by my Friend Farookhi Sahib. My friend was waxing eloquent about the jurisdiction of the courts being ousted. I may tell him that there is nothing frightening about this law. There is no case of the jurisdiction of the courts being ousted. I say that section 17 contemplates a suit wherever a person is to be prosecuted for contravening the Order under this Act. The section says, 'No Court shall, in any suit in which the validity of an order issued or action taken under this Act is in question, have power to issue any injunction, whether permanent or temporary . . .'. So, it contemplates that a suit must be pending. Only the issue of an injunction against the Government is prohibited under this section. Supposing action is taken against a person who has large stocks of firewood. If an order of injunction is taken against the Government from taking possession of this firewood and distributing it to the various people who need it, it would not be desirable. The people will suffer. Hence the prohibition of injunctions being issued restraining the Government from controlling perishable articles, is only contemplated. If the courts are allowed to issue injunctions, it will serve no purpose at all. It is likely to destroy the essential articles which

18th November 1949] [Sri K. Madhava Menon]

are so urgently needed by the people. As will be seen, a suit is admitted under the Act and a party is entitled to have his right declared in the court. In certain cases, even compensation is contemplated for any damage that may be caused. So, there is no question of the jurisdiction of the courts being ousted at all."

JANAB ABDUL LATIF FAROOKHI :—"How does the Hon. Minister explain clause 12 (2) which says that the decision of the Provincial Government is final?"

* THE HON. SRI K. MADHAVA MENON :—"Sir, in small petty matters, where only Rs. 100 worth of articles are requisitioned and taken away from somebody, do you mean to say that there must be provision for appeal even to the Privy Council? We have provided in this clause for appeal to the Government against the order of the Collector. I think that should be sufficient."

JANAB ABDUL LATIF FAROOKHI :—"Certainly, the jurisdiction of the Court is ousted here."

* THE HON. SRI K. MADHAVA MENON :—"Sir, so much is talked of this jurisdiction of the courts. I may tell that the jurisdiction of the civil court is prohibited in every law. Take the case of the Limitation Act. A man executes a promissory note. After three years the note is barred. After that period, if a man files a claim in a court, can the court entertain the claim? The court will certainly have no jurisdiction to entertain this claim. Again take the case of the Transfer of Property Act. Here, a suit without notice is prohibited, even if you are otherwise entitled. If you do not give notice and file a suit for eviction, certainly, the court will not entertain the suit. Even if a suit is filed, the court will *suo motu* dismiss the suit saying that it has no jurisdiction. So in every respect, the jurisdiction of the civil court is limited. Hence I am unable to understand this suggestion that the sanctity of the jurisdiction of the civil courts is being affected.

"My hon. Friend Mr. Farookhi Sahib has been waxing eloquent on the question of burden of proof. I may say that there is nothing out of the way from the ordinary law in this case. Supposing a Police officer finds on the road a cart-load of firewood which has no permit. Certainly he has to charge the man who is taking the cart. He cannot go on enquiring and finding out whether that man has applied for the permit, or whether the man has been granted the permit whether he has kept it in his box at his house and all that. What he is concerned with is whether that man has the permit in his possession at the time he was caught by the Police officer. Certainly, the Government are not to prove this. It is for the man who has been taking the cart without a permit to prove that he is not at fault. There is nothing peculiar in this.

"Something has been said about clause 13 which provides for the punishment of the abettors. It is said that suppose a coolie is engaged in carrying a particular article without a permit, is he to be

[Sri K. Madhava Menon] [18th November 1949]

punished? I may state that it is not what is contemplated in this clause. It is intended only to punish those who are deliberately aiding or abetting in the contravention of any of the provisions in this Act. So there is nothing against the law.

"Sir, I admit that there are certain things which have been included in this Act, for using which there may not be any occasion. It is said that they might have been omitted. I would like to say that to safeguard against any emergency, it is very necessary that these things ought to be there."

THE HON. SRI J. L. P. ROCHE VICTORIA :—"Mr. Deputy Speaker, Sir, my hon. Friend, the Minister for Law has more or less dealt with all questions, all legal questions, with the help of the Leader of the Opposition (laughter). There is not much for me to say except the fact that there is no necessity for referring this Bill to a Select Committee. This question was also raised in the other House, which has dealt with this Bill and passed the Bill.

"It may be true to some extent that there is no immediate necessity for such a Bill. But, as pointed out by the Hon. Law Minister, there are certain items in the schedule. At any time it might be necessary for the Government to take powers under this Bill to control those articles. Even now after the introduction of the control of sugar, people are clamouring for the control of jaggery, the price of which is soaring so high in some districts, especially in the southern districts. The other day, in the other House, an hon. Member sought to bring an adjournment motion to discuss as to how to control the price of chillies, pepper, and other commodities. Sir, while there is demand for decontrol of all things on one side, there is also demand for control of some of these commodities on the other. Sir, it is only when people feel the scarcity and difficulty of getting these articles, they think of the benefits of controlling these articles.

"Some of the legal aspects of the provisions of this Bill raised by hon. Members were exhaustively dealt with by the Hon. the Law Minister. I would therefore, refer to one or two points which were not touched upon by him. Sir, it was said that the various measures adumbrated in the Bill under discussion were introduced during war time when conditions were . . ."

1 p.m.

THE DEPUTY PRESIDENT :—"The clock strikes one. Since it is Friday today, will you be able to finish your speech within five minutes, or you will resume after lunch?"

THE HON. SRI J. L. P. ROCHE VICTORIA :—"I shall finish my reply now, Sir. Some hon. Members said that such measures were quite necessary in the conditions existing then, i.e., during war time but now there was an improvement in the present conditions and so there was no need for a Bill like this. Sir, I would refer them to the present food situation in the country. If they will examine the food position, they will feel the necessity for such a

18th November 1949] [Sri J. L. P. Roche Victoria]

measure and not only that, they will also realize that certain provisions contained in the Bill are quite warranted in the interests of the people at large. I would therefore request hon. Members to consider the Bill in its proper perspective and approve of the measure instead of referring it to a Joint Select Committee or a Select Committee."

JANAB ABDUL LATIF FAROOKHI :—" Sir, I would like to reply to several of the criticisms made just now, but today being Friday, I shall do it in the afternoon."

THE HON. SRI K. MADHAVA MENON :—" The Hon. the President has given a ruling that the mover of an amendment has no right of reply."

THE DEPUTY PRESIDENT :—" Yes, this is more or less an amendment . . ."

JANAB ABDUL LATIF FAROOKHI :—" I would reply to some of the points raised by the Hon. the Law Minister at the third reading of the Bill."

DR. V. K. JOHN :—" But the result is the same !"
(Laughter.)

THE DEPUTY PRESIDENT :—" The motion before the House is—

' that under rule III (1) of the Madras Council Rules the concurrence of the Legislative Assembly be obtained in setting up a Joint Select Committee of both the Houses consisting of fifteen members (five members from the Council and ten from the Assembly), to consider the Madras Essential Articles Control and Requisitioning (Temporary Powers) Bill, 1949, as passed by the Assembly '."

The motion was put and declared lost.

THE DEPUTY PRESIDENT :—" I now put the original motion to the vote of the House."

The original motion that—

' the Madras Essential Articles Control and Requisitioning (Temporary Powers) Bill, 1949, be taken into consideration at once ' was put and carried.

THE DEPUTY PRESIDENT :—" I adjourn the House to meet again at 3 p.m. today."

The House then adjourned for lunch.

(After lunch—3 p.m.)

MR. PRESIDENT :—" I will now put the various clauses to the vote of the House."

Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 were separately put and carried.

The Schedule was put and carried.

[Mr. President] [18th November 1949]

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. SRI J. L. P. ROCHE VICTORIA :—“ I move,
Sir—

‘ that the Bill be passed into Law ’.”

3-2
p.m.

SRI N. VENKATACHALAMAJI :—“ అధ్యక్ష, ప్రభుత్వంవారు అను
లులోనుంచిన ఈ కంట్రోల్స్ వల్ల ప్రజలకు చాలా కష్టములు కలుగుచున్నవి. ఈ
కంట్రోల్స్ విధానములో ఎక్కువ లోపము లుండుటవల్ల ప్రజలు మరింత బాధపడు
చున్నారు. ముఖ్యంగా బీద ప్రజలు ఎక్కువ ఇబ్బందులు పడుచున్నారు. ఈ కంట్రోల్స్
వల్ల ధాన్యపు ధరలు చాలా పెరిగిపోయినవి. ఈ ధరలు ప్రజలకు, ముఖ్యంగా బీద
వారికి అందుబాటులో లేకుండా ఉండడమే కాక, చాలినంత బియ్యము దొరుకుటలేదు.
రేషన్ షాపులలో ఇచ్చే కొద్దిపాటి బియ్యము విమత్రము చాలటంలేదు. అంతే కాకుండా
ఇచ్చే కొద్ది బియ్యముకూడ శుభ్రముగా నుడక మెరికలతోను, నడ్డతోను, పురుగులు,
పుట్టలతో నిండియుండును. వేరుకు మనిషికి ఎనిమిది ఔన్సులు ప్రకారము ఇవ్వడమే
కాని అది శుభ్రము చేసినతరువాత 3 ఔన్సులకే దిగుచున్నది. ఈ ప్రకారము వారము
రోజుల కిచ్చు బియ్యము రెండు రోజులకంటే ఎక్కువ కాలమునకు చాలదు.

“ ఇంక ధరల విషయంలో, ప్రభుత్వంవారు ధాన్యం బస్తా 1 కి బియ్యము
రూ. 17-8-0 ప్రకారము నిర్ణయించినప్పటికి, బస్తా ఒకటింటికి రూ. 25-0-0 లేక
రూ. 26-0-0 ప్రకారము అమ్మబడుచున్నది.

“ ఈ కంట్రోల్స్ సక్రమంగా నడుపుటకు ఎంతోమంది ఆసీస్ గా నియమించ
బడినారు. కాని వారివల్ల విచిత్రము ప్రయోజనములేదు. వారు గవర్నమెంటును
unpopular చేయటానికే ఉన్నట్లు నాకు తోస్తున్నది. వారంతమంది ఉండికూడ ప్రజ
లకు సరిగా బియ్యము దొరకడంలేదు. ఈ కంట్రోల్స్ విధానములో ప్రభుత్వం
వారికి ఆరు సంవత్సరముల experience ఉన్నప్పటికీకూడా పరిస్థితులు విచిత్రము
బాగుపడలేదు.

“ ఒక ఉదాహరణగా నేను తెలుపుచున్నదేమంటే, ఈ సాంపులు బియ్యం నార్
వైజాగవట్లం జిల్లాలోనుంచి బియ్యం విజయనగరం దిగుమతి అయి రేషన్ షాపులకు
యివ్వగా, వారు బియ్యం బాగాలేదని చెప్పుకున్నాకూడ, బియ్యం బాగుందనే Firka
Supply Officer సర్టిఫై చేసినాడు. ఇటువంటి విషయములలో ప్రభుత్వంవారు సరియైన
శ్రద్ధ తీసుకొని అట్టి ఆసీస్ గా వైన action తీసుకొనవలసిందిని కోరుచున్నాను.

“ పరువాత పంచదార distribution విషయములోను చాల అన్యాయము జరుగు
చున్నది. ప్రతి ration cardకు అర వీశ పంచదార ఇవ్వబడునట్లు నియమించబడినది.
కాని ఈ అరవీశకూడ గజలకు సరిగా అందటంలేదు. Revenue Divisional Officer
గారుగాని, తాన్సీల్డరుగాని 150 బస్తాలు distribution చేయవలసిందని నియ
మించితే, దానిలో 30 బస్తాలు తాన్సీల్డరువారికి కావలసినవారికి personal permits
ఇచ్చుటకుగాను కేటాయించుచున్నారు. కనుక మిగత 120 బస్తాలు మాత్రమే ప్రజలకు
distribution చేయవలసి యివ్వబడెను. కొన్ని కొట్లలో అర వీశ చొప్పున ఇచ్చుటకు
చాలదు. అరవీశ చొప్పున అందరూ ఇవ్వనప్పుడు, వర్తికుడు ఇవ్వలేదనుకొంటాడు.

18th November 1949] [Sri N. Venkatachalamaji]

గాని గవర్నమెంటు సరిగా పంపకం యివ్వలేదనుకోరు. ఈ కష్టములన్నియు ఆ ఉద్యోగి గవర్నమెంటునే కలుగుచున్నవి. వారు ప్రజల దృష్టిలో ఈమాదిరిగా గవర్నమెంటును చాలా unpopular చేస్తున్నా గని అనక తప్పదు.

“ప్రజలు ఈ కంట్లోల్నువల్ల ఎన్ని ఇబ్బందులు పడుచున్నారో ప్రభుత్వంవారు గమించి, వాటిని తొలగించుట వారి విద్యుక్త ధర్మమై యున్నది. కనుక మన Food Minister గారు పరిస్థితులను స్వయంముగాచూచి, ప్రజలకు లేనిపోని కష్టములను కలుగ జేయుచున్న ఉద్యోగిస్తులపై సాదైన action తీసుకొనుటేకాకుండా, మంచి బియ్యము సక్రమధరలకు ప్రజలందికి సరిగా distribute అగునట్లు చూడవలెనని మనవి చేయుచున్నాను. ఇట్లు చేసినట్లైతేనే ప్రజలందరు సంతోషించుటకు వీలగును. మరియు గవర్నమెంటువారు న్యాయము జరుపుచున్నారనిగూడ అనుకొనుటకు వీలగును. లేకపోతే ప్రజలలో చాలా అసంతృప్తి ఏర్పడి గవర్నమెంటు ఇంకా ఎక్కువ unpopular అగును. ఇప్పుడు వచ్చిన తుపాను వర్షములచేత మాఅంధ్రదేశములో నిల్వ సరుకులు రోయిపవి. చాలినంత బియ్యము దొరకకుండా యున్నవి. బందుల్రలు, స్నేహితులునుంచి నాలుగు, అయిదు శేర్లు బియ్యం తెచ్చుకొన్నవారిని శిక్షించకూడదు. అట్లయిన, ఔం గూగునుండిగాని, మరెక్కడనుండిగాని special wagonsలో జూరలు తెప్పించి ప్రజలకు distribute చేయవలసిందని Food Minister గారిని కోరుతు ఇంతటితో విరమించుకొంటున్నాను.”

SRI A. GOPALAKRISHNAYYA:—“అధ్యక్షా, మనదేశంలో గత 3-8 5, 6 సంవత్సరములనుంచి కంట్లోల్లు అమలులానున్నవి. ఈ కంట్లోల్లువల్ల ప్రజలకు p.m. వి విధమైన ఉపయోగము లేదు. ఈ 5, 6 సంవత్సరములనుంచి ఆహార ధాన్యముల పంటలను ఎక్కువచేయుటకుగాను ఇండియా ప్రభుత్వంవారుగాని, రాష్ట్ర ప్రభుత్వముల వారుగాని ఎటువంటి శ్రద్ధ తీసుకొనలేదు. దేశంలో ఆహార ధాన్యముల పంటలు వి విధంగాను అభివృద్ధి కాలేదు. అంతేకాకుండా ఈ కంట్లోల్లు పెట్టిడంవల్ల రైతులు, ఇతర ప్రజలు అందరుగూడ బాధపడుతున్నారు. ఈ కంట్లోల్లువల్ల ఎవరుగూడ సుఖంగా లేరు. కంట్లోల్లు పెట్టినంత మాత్రంచేత మనం ప్రజలకు కావలసినంత ఆహారధాన్యాలను సరఫరా చేయలేము. పంటలను అభివృద్ధి చేస్తేనేగాని ఈ కాటకం తగ్గదు. అప్పుడుగాని ప్రజలు సుఖించరు. ఇప్పుడు మనము ఇతర దేశాలనుంచి అనేక కోట్ల రూపాయలు విల వైసటువంటి ఆహారధాన్యాలను కొనికొంటున్నాము. మన దేశంలో పండే పంటలను అభివృద్ధి చేసుకొన్నట్లయితే ఈ విధంగా ధనము ఇతర దేశాలకు పంపవలసిన అవసరం ఉండదు. పంటలు అభివృద్ధి కావాలంటే పొలాలకు ఎరువు వెయ్యాలి కాబట్టి ప్రతి జిల్లాకు ఒక్కొక్క manure factory ని ప్రభుత్వము వారు కట్టించాలి. ఆ విధంగాచేసి రైతులకు సరసవైన ధరలకు ఎరువులు ఇచ్చినట్లయితే పంట పెచ్చుచేయవచ్చును. ఇతరదేశాలపైన ఆధారపడవలసిన అవసరం ఏమాత్రము ఉండదు. జపానుదేశంలో ఎకరానికి సగటున 12 బస్తాలు పండుతుంది. కాని మనదేశంలో సగటున 7, 8 బస్తాలకన్న పెచ్చు పండుతుంది. మనదేశముకన్న జపాను దేశము చాలా చిన్నది. మనదేశంలో 30 కోట్లకు వైగా జనాభా ఉంటే, ఆ దేశంలో 8 కోట్ల మందే ఉన్నారు. కాని ఆ దేశంలో పంట సగటున 12 బస్తాలంటే, మనదేశంలో 7, 8 బస్తాలు మాత్రమే పండుతుంది.”

Mr. PRESIDENT:—“మన ఘాములు అంత తక్కువ పండుతున్నవా?”

[18th November 1949]

SRI A. GOPALAKRISHNAYYA:— “సగటున చూచినట్లయితే 7, 8 బస్తాలే పండుతున్నట్లు తేలుతుంది. కొన్ని ప్రదేశాలలో అలాగా చూడట్లా ప్రాంతాలలోను ఇతర సీటిసౌకర్యాలున్నచోట్ల ఎకరమునకు 20 బస్తాలుకూడ పండుతుంది. మన దక్షిణ భారతదేశంలో ఉన్న భూమిలో సగభాగము వీడుగానుండి పంటలు సరిగా పండటంలేదు. జనాభా పెరిగిపోతుంది. ఈ జనాభాకంతకు ఏ విధంగా సరిపోయినంత ఆహారధాన్యాన్ని పండించగలమా అనే విషయాన్ని ప్రభుత్వంవారు శ్రద్ధగా ఆలోచించాలి. మనకు ఆహారము ఎంత అవసరమా భూములకు ఎరువు అంత అవసరము. భూములకు ఎరువును సప్లయిచేయించే విషయములో ప్రభుత్వంవారు నిర్లక్ష్యం చేస్తున్నారు. ఇప్పుడైతే ప్రభుత్వంవారు ఆలస్యము చేయక ప్రతి జిల్లాకు ఒక్కొక్క manure factory ని పెట్టింపట్లయితే, 4, 5 సంవత్సరముల నాటికైనా రైతులకు కావలసిన ఎరువును మనము తయారుచేయించగలము. అందువలన పంటను అభివృద్ధి చేయడం వీలు అవుతుంది. ప్రభుత్వంవారి సహాయం లేకుండా ఏ రైతుకూడ ఎక్కువ ఆహార ధాన్యాన్ని పండించలేడు. అధికాహారోత్పత్తి చేయమని రైతులతో చెప్పినంతమాత్రము చేత పంటలు అభివృద్ధికావు. అంతవరకు కంట్రోల్స్ బాధ దానివల్ల వచ్చే black-market బాధ తప్పేటట్లు కనిపించడంలేదు.

“ఈ కంట్రోల్స్ వల్ల భాగ్యవంతులకంత ఇబ్బందిలేదుగాని, వీడవాళ్లు సామాన్య ప్రజలు అవలంబించే వాళ్లు వడవలసి వస్తుంది. భాగ్యవంతులైనవారు నేరు రూపాయలనా రెండురూపాయలనా కొనుక్కొనివెళ్ళగలరు. వీడవాళ్లు మాడిపోతున్నారు. ప్రతిదేశంలోను వీడలను పోషించటానికిగాను ఆదేశములలోని ప్రభుత్వాలవారు employment provide చేస్తున్నారు. వారికి కావలసినంత ఆహార ధాన్యాని సరియైన ధరలకు అందేటట్లుగా చూస్తున్నారు. కాని మన దేశములో అమలులో ఉన్నట్లువంటి ఈ కంట్రోల్స్ వడతులవల్ల భాగ్యవంతులైనవారు ఇంకా భాగ్యవంతులై పోతున్నారు. వీడవాళ్లు మరి వీడవాళ్లయి తిండికి, గుడ్లకు కరువై మాడిపోతున్నారు. మనకు స్వరాజ్యం వచ్చి చూడు సంవత్సరాలైంది. కాని ఇంతవరకు ఒక్కటైననూ చుట్టూపైన పని జరుగలేదని నా నమ్మకము. జపాను దేశంలో స్త్రీలకు పురుషులకుకూడ స్కూలు ఫైవలు వరకుకూడ compulsory గా ఉచితంగా చదువు చెప్పిస్తారు. మిల్లిటోను ఆఫీసులలోను, అనేక మంది స్త్రీలు పని చేస్తూయంటారు. కాని మన దేశంలో మగవారికే పనులు దొరకటంలేదు. ఇవి చాల విచారించున విషయం. ఆహార ధాన్యాలు సరిగా పండక పోవడంచేత మనము ఇతర దేశాలనుంచి ఆహార ధాన్యాలను తెచ్చుకోవలసి వస్తుంది. మన డబ్బు ఇతర దేశాలకు ఒక నదిలా ప్రవహించిపోతుంది. ఇతర దేశాలలో పండ్లు మొదలైనవాటిని అద్దాల పెట్టెలలోకూడ పెంచగలుగుతున్నారు. కాని మన దేశంలో ఆహారము కోసరమే బాధపడుతున్నాము. ఇతర దేశాలవారు వారిదేశాలలో ప్రజలకు సమైక్య ఆహారాన్ని ఇప్పించడానికి ఎంతో కష్టపడుతుంటే మన ప్రభుత్వంవారు అటువంటి ప్రయత్నాలేమి చేయడంలేదు సగదా ఈ కంట్రోల్స్ ను పెట్టి అందరిని బాధిస్తున్నారు. కంట్రోల్స్ నుంకకాలము blackmarket తగ్గుదు. కంట్రోల్స్ ను అవకాశంగా తీసుకొని ఉద్యోగస్తులు ప్రజలకు ఇబ్బంది పెడుతున్నారు. ప్రజలకు బియ్యం ప్రభుత్వమువారు స్వయంగా ఇప్పించటంలేదు. వారు ration ను కొంత మంది వర్తకులద్వారానే పంచి పెట్టిస్తున్నారు. ఈ వర్తకులు, వారి ఏజెంట్లు, ఆఫీసర్లు ఈ రేషనింగును సరిగా అమలు జరపటంలేదు. లంచగొండితనము పెరిగి పోయింది. ప్రజలకు జరుగుతుండే అన్యాయాలు చెప్పడంకూడా కష్టం. కాబట్టి ఈ కంట్రోల్స్ ఎంత త్వరగా తీసేస్తే అంత మంచిది. కంట్రోల్స్ తీసేస్తేనేగాని black-market తగ్గుదు. అప్పుడుగాని ప్రజలకు ధారాళంగా బియ్యం లభ్యంకావు.

18th November 1949] [Sri A. Gopalakrishnayya]

“మన ప్రభుత్వంపాటు పదిగోల్లో ఇరువదిగోల్లో సప్లయింగ్‌రమిచ్చి జమీందారీలను రద్దు చేస్తున్నాము. జమీందారీలను రద్దుచేసినంతమాత్రముచేత పంటలు అభివృద్ధికావు. పంటలు ఎక్కువ కావాలంటే జిల్లాకు అథమబక్షను ఒక్కొక్కటైన manure factory పెటించాలి. ఎరువులను సరసమైన ధరలకు రైతులకు విక్రయించి అవసరమైతే compulsory గాగూడ రైతులు ఎరువును తమ ఘాములలో ఉపయోగించాలి అనే నిబంధనలొనైన పని చేసినట్లైతే పంటలు అభివృద్ధి అవతాయిని, మన దరిద్రము తీరుతుందని మనవి చేస్తున్నాను.”

* JANAB ABDUL LATIF FAROOKHI :—“ Mr. President, Sir, 3-15
when this morning I moved for a reference of this Bill to a joint P.m.
select committee, the Hon. the Law Minister argued the case on behalf of the Government. As a good lawyer, he argued well, but he did not make out a case. It all depends on the party which engages the lawyer and the same case can be argued both ways by a lawyer. Being an able lawyer, the Hon. the Law Minister argued the case very well, but he has not convinced us on this side of the House of the necessity for this legislation.

“ Sir, clause 4 (3) says—

“(3) Where a notice of acquisition is served on the owner of the property or is published in the *Fort St. George Gazette* under sub-section (2), then, at the beginning of the day on which the notice is so served or published, the property shall vest absolutely in the Provincial Government free from all encumbrances and the period of requisition thereof shall end.”

Who is to pay the money for the encumbrances? It has not been made clear either in the Bill or in the speech of the Hon. Minister in charge of the Bill or in the speech of the Hon. the Law Minister. A man may have mortgaged his property and another man might have paid the money for the property with very good intentions not knowing that this property would be requisitioned. How is he to take back his money? That has not been answered at all.

“ Then Sir, the Hon. the Law Minister said that there is no ousting of the jurisdiction of the court. He pointed out the Limitation Act according to which after three years a pro-note is not valid. I do not know whether any lawyer will agree with him in this analogy between a pro-note becoming invalid after three years and preventing a person from appealing to the highest authority other than the Government after the District Collector or the District Magistrate has passed orders under this Act. It is clearly stated that after the District Collector or the Magistrate has made an order under this Act, no appeal shall lie except with the Provincial Government. I pointed out this morning that the District Collector or the District Magistrate is an officer who would look to the favours of the Government. There are not many instances where a District Magistrate has passed an order and the local Government have reversed that order. There may be one or two instances, but whenever a District Magistrate or a Collector passes an order and when the file comes to the higher authorities—the Secretary to the Government or the Minister—they simply endorse that order.

[Janab Abdul Latif Farookhi] [18th November 1949]

During the former days when we had Executive Councillors—people used to call them signing machines . . .”

MR. PRESIDENT :—“ Putting dhoby marks, is it? ”

* JANAB ABDUL LATIF FAROOKHI :—“ Yes, Sir, dhoby marks are put on orders passed by the District Collectors. Are there many occasions where the orders of the District Collectors have been reversed by the Government? Such being the case, where is the remedy for the man against whom an order is passed by the District Collector, if the local Government also put their dhoby mark on it? Should he not have the opportunity of having his case examined by the highest judicial authority? I therefore submit, Sir, there is ousting of the jurisdiction of the court. The Hon. the Law Minister may think I am wrong, but legal experts outside will certainly agree that there is a bar against the affected persons going to a court. The Hon. the Law Minister being a very able lawyer has argued a bad case very well, but he has not convinced the people and he would not convince any court of law.”

MR. PRESIDENT :—“ At any rate he has convinced his own party.”

THE HON. SRI K. MADHAVA MENON :—“ I have convinced the Leader of the Opposition also.”

* JANAB ABDUL LATIF FAROOKHI :—“ If we read the speech of the hon. Member Mr. Ranga Reddi, we will find that all his arguments were in favour of amending certain clauses of the Bill and not completely in favour of the Bill. So, the Hon. Minister has not convinced even his own party, though the party-men have to abide by the discipline of the party. It is therefore better that the Government reconsider this question. The Hon. the Law Minister has himself confessed that most of the sections of the former Act which this Bill replaces were not put into operation and I do hope—it may not be hoping against hope—that the clauses of this Bill also will not be put into operation. The Bill will only be a sort of preventive measure calculated to do good and not harm to the people. My hon. Friend, the Leader of the Opposition, says it may not even be printed. But the Government have to go through all these formalities. I would request them to apply this Act sympathetically and not to place power in the hands of people who would abuse it. The Government should see that the officers do not go out of their way to put the clauses into operation. The Government should sympathetically view the cases.”

* SRI R. SURYANARAYANA RAO :—“ Mr. President, those of us who witnessed the performance of the Treasury Benches this morning were convinced that they put up the poorest show that they ever did in this House. They had no arguments to support many of the clauses found in the Bill. I beg of them that in future

18th November 1949] [Sri R. Suryanarayana Rao]

when they bring forward Bills, instead of merely repeating or trying to re-enact Bills which were once enacted, they should go through each clause and find out if the necessity for the clause exists, and then only introduce it in the Bill. We have wasted a lot of the time of this House and of the other House. There are provisions for which no explanation can be given either by the Hon. Minister for Food or the Hon. the Law Minister. They simply took the 1946 Act of the Prakasam Ministry and reprinted it first as an ordinance and then as a Bill. Most of the provisions have not been put to any use and if they have not been put to any use, there will be no necessity to put it to any use hereafter. I therefore beg of them, in the other pieces of legislation which they are going to introduce, to go through the clauses and see if they are necessary. As the Hon. the Leader of the Opposition said, we know that controls are necessary and you may put two clauses in the Bill, one defining the essential articles and the other a schedule, and you may go on adding to the schedule. So long as controls exist, the Government must possess the powers necessary to enforce control. But there are other features in the Bill which are out of place, unnecessary and uncalled for. I make this suggestion more as a friend of the Government and in the interests of the time and energy spent in this House as well as in the other House, that the Government should go through the piece of legislation before it is introduced and bring it here only when it is necessary. We are prepared to support the Government in enforcing controls and give them the powers that are necessary to enforce the controls, but there are many features in the Bill which even my Hon. Friend the Minister for Law could not defend this morning."

THE HON. SRI J. L. P. ROCHE VICTORIA :—" Mr. President, Sir, I need only refer to one or two points which have been mentioned in the course of the discussion. With regard to the complaint made by my hon. Friend from Visakhapatnam about rice, it is true that as a result of controls we have to stock and distribute it in so many different and distant places where godown accommodation and other storing facilities may not be up to the standard. When such complaints arise, it is much better that the people draw the attention of the local authorities. In some cases where they do not pay any attention the matter has been brought to the notice of the Government and we have rectified so many cases. I may assure the hon. Member that necessary enquiries will be made in the matter.

" Regarding manure, my hon. Friend mentioned that manure is the most important thing in the drive for more food. He has suggested that the manufacture of manure should be started almost in every district. I am not an expert on manures, but I would only mention that one of the experts who visited this Province has suggested that much has to be done even with the existing facilities for getting manure like farm manure, green manure and prevention of soil erosion. These things will help more than mere

[Sri J. L. P. Roche Victoria] [18th November 1949]

chemical manures which, as we have been cautioned before must be used cautiously along with other manures.

3-30
p.m.

“ With regard to the other point mentioned by my hon. Friend Mr. Farookhi, I wonder why he has taken objection to the particular clause which he also mentioned in the morning and which was answered by my hon. Friend the Law Minister, viz., that an appeal from the Collector's orders to the Government was defective. As was explained, there may be some small matters in which a person may feel aggrieved by a Collector's order; but this gives him all the facilities to go up to the Government directly instead of going to a court of law and rectifying matters. As far as he is concerned, it will be a much easier procedure, rather than filing a complaint in a court of law. That explains why that clause is there, and I may assure the hon. Member that there are not many cases like this which have come to our notice before.

“ As regards the other criticism that this Bill is merely a copy of the old Act and that we have not sufficiently gone into the matter, as I said this morning, though there is nothing new in it, these provisions are necessary as far as we can see. The very fact that many of the provisions have not been enforced does not take away the importance of the clauses, because as I said in the morning, conditions have not improved very much since those war-days; conditions have even deteriorated.

“ With these words, Sir, I request that the Bill may be now passed into law.”

MR. PRESIDENT:—“ The question is that the Bill to provide for the continuance during a limited period of powers to control the production, supply, distribution, transport and prices of essential articles and trade and commerce therein and requisitioning of property, L.A. Bill No. 25 of 1949, as passed by the Assembly, be passed into law.”

The motion was put and carried and the Bill was passed into law.

GOVERNMENT MOTION.

IV.—DRAFT RULES UNDER THE MADRAS ESTATES (ABOLITION AND CONVERSION INTO RYOTWARI) ACT, 1948.

- * THE HON. SRI H. SITARAMA REDDI:—“ Sir, I move—
‘ that the following draft^a of the rules which it is proposed to make in exercise of the powers conferred by sub-section (1) of section 40 of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, be taken into consideration.’

“ Sir, the rules have already been circulated to the Members of this House.

18th November 1949] [Sri H. Sitarama Reddi]

" The Government had given an assurance to the Council when the Abolition Bill was under discussion in November 1948, that the rules under section 40 would be brought before the Legislative Council by a special motion. The Act as it stands provides that the rules shall be subject to the approval of the Provincial Legislative Assembly. The Government are also considering the question amending section 40 (2) of the Act so as to enable the rules to be made subject to the approval of the Provincial Legislative Council also in future.

" The Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, received the assent of His Excellency the Governor-General on 2nd April 1949 and became law on 19th April 1949 being published in the *Fort. St. George Gazette*. Under the Act, the estates notified will be surveyed and settled on ryotwari principles and the gross annual demand will be determined in accordance with the provisions of the Act. The basic annual sum for each estate will be determined under section 39 of the Act and the compensation payable under section 37 of the Act will also be determined at that time. In respect of inam estates or parts thereof which were held immediately before the notified date by any religious, educational or charitable institution, the Government will pay to the institution every year as 'tasdik' allowance, the basic annual sum in respect of that estate and will, in addition, make good any diminution in income.

" Section 40 (1) of the Act lays down that the Compensation payable to any person under the Act may be paid in such form and manner, time or times, and in one or more instalments as may be prescribed by the rules made by the Government.

" The Government have decided that the compensation should be paid in cash for all estates. The rules under discussion give the details.

" The Government have also decided to allow interest at 3 per cent per annum on the portion of the compensation still remaining to be paid on the date of payment of the first instalment. The sums payable to religious and educational institutions under section 38 will be paid by deduction from the beriz of the village concerned."

MR. PRESIDENT:—" These rules are for mere discussion; there is no special motion, is it not? "

THE HON. SRI H. SITARAMA REDDI:—" Yes."

* DR. V. K. JOHN:—" Mr. President, Sir, I must compliment the Government on their discretion in bringing this matter to the Council for discussion. When clause 40 of the Bill was discussed, we thought it was derogatory to the Council that the Council's approval should not be sought but the approval of the Assembly only should be sought, and we took this matter so

[Dr. V. K. John] [18th November 1949]

seriously that, if I remember aright, we stopped further discussion on the Bill; that was because we thought the dignity of the House was affected. Then an assurance was given by the Government that the matter would be discussed in this House, and I am glad the Government have acted up to it and have brought the rules before this House.

“On the merits of these draft rules, I have only to make two suggestions. Section 40 says :—

‘(1) The compensation payable to any person under this Act and the sums payable to any religious, educational or charitable institution under section 38, sub-sections (1) and (2), may be paid in such form and manner, and at such time or times, and in one or more instalments, as may be prescribed by rules made by the Government.’

During the discussion last year of the Bill which was passed into law, it was stated that the Government would have to pay out of public revenues about Rs. 17½ crores to the zamindars for taking over the zamindaris. The rules provide that sums over Rs. 50,000 should be paid in equal annual instalments, not exceeding five in number. First, we would have to consider our ability to pay; if we have to pay these Rs. 17½ crores in five years”

MR. PRESIDENT :—“I think it is Rs. 12½ crores.”

* DR. V. K. JOHN :—“At that time it was Rs. 17½ crores; it may now be Rs. 12½ crores. Anyway, we will have to pay a little less than Rs. 3 crores every year as annual instalment. I wonder whether we have the money for it. The zamindars should not be kept out of the money; it may be, if possible, paid to them in cash. Even if the whole compensation is not paid to him, what has been decided to be paid, must be paid immediately in cash, and the best way of paying is for the Government to issue bonds providing for payment in the course of five or ten years—we might even fix ten or fifteen years—the bond may bear interest at more than 3 per cent. We need not hurry to pay in five years. The bond may be made transferable—it may be a promissory note or it may be a bond—only it must be transferable. I am not quite sure whether 3 per cent is a fair rate—it may or may not be—but it may be better to put it at 3½ or 4 per cent. These bonds should be cashable; and Government should not be asked to pay the money except when the payments fall due. At the same time, the zamindar will get cash immediately if he sells the bond in the market. So, we achieve two objects in providing payment by bonds in instalments, with interest. The zamindar gets cash because these bonds are cashable and we do not pay the amounts except when they fall due under the bond, i.e., on the date of payment fixed in the bonds. I do not think we can pay even Rs. 2 crores every year, because we have the food production campaign and a hundred other schemes for which money is required. I therefore suggest that we can provide for payment in the course of 15 or even 20 years; and if the bonds carry 3 or 4 per cent interest, the zamindars will be quite happy and they will take the

18th November 1949] [Dr. V. K. John]

interest only. If my suggestion is accepted, we will be gaining two points. As I said, we have not the ability to pay even Rs. 2 crores every year as viewed from the Budget proposals. The public and the Government will both be benefited by this arrangement and the zamindars also will be benefited. If you want to pay the zamindar cash in five years, then he will not be able to realize the money to-day; but if we give him a bond, he might be able to sell the bond and get cash.

“ Another point for which I want your leave to say in one minute is this :

This legislation might have benefited the Government in getting more taxes, but it must also have benefited a large number of tenants. Nobody can deny that when zamindaris are abolished, the tenants are not benefited. The U.P. Government are considering the question of collecting at least ten years' rent from the tenants who are benefited. They might have benefited to the extent of 20 years' rent—the capitalized value of 20 years' rent. Those who have benefited may be intermediaries or may be cultivating tenants. I am not now pleading for enabling the cultivating tenants to become owners of the land they are now cultivating by making annuity payments; but my suggestion is, we can have legislation by which we collect from the tenants a portion of the extent of the benefit conferred upon them. It may be that a tenant is benefited to the extent of Rs. 10,000 capitalized value by the abolition of the zamindari and its conversion into ryotwari: let us collect from him Rs. 5,000 and that too in instalments; and let the instalments coincide with the instalments which have to be paid to the zamindars in bonds, so that the money required for payment to the zamindars may be found from the money collected from the tenants. In that case, we need not pay amounts to the zamindars from the public revenues; because if they are to be paid from the public revenues, you and I and everybody else will have to contribute towards such payments, while we are not benefited. The zamindars have of course to be paid, and so I say, let those who are benefited by this legislation be asked to pay, not exactly the net capitalized value of the rent they had to pay but a portion of it, as I said, or very much less. I think we should be able to collect these Rs. 12½ crores or whatever it be, from those tenants of the zamindars who have now been benefited, who have been promoted from the position of tenants to that of ryotwari holders.

“ Why should we be paying out of the public revenue a huge sum which we can ill-afford to pay at this time? My suggestion is: ' Let us give bonds and date them at ten or fifteen years: let them carry a fair rate of interest: let us make a calculation how much the tenants will be benefited and let them bear a portion of the amount by which they are benefited.' I do not ask that they should pay the entire amount by which they are benefited and let them pay in instalments so that the date of discharge of the bonds may synchronize with the last payment of annuity on the part of the tenant. By this method, we would not have paid anything

[Dr. V. K. John] [18th November 1949]

from the public revenues and there will be no burden on the taxpayer. Further, what we are doing is just and reasonable. I do not see why people who have not been benefited by the conversion of zamin areas into ryotwari areas, should be asked to bear the burden of 12 or 17 crores of rupees. As for the rate of interest of the bonds, it must be more than three per cent and they should be transferable into money immediately, should the bond-holder require money. If he can wait, he can get his money after ten or fifteen years. By this arrangement, we shall not be hard-up for finding the money all at once. I suppose the Government will consider my suggestions and bring forward amendments or bring them by means of rules and regulations."

MR. PRESIDENT :—" The Bill of course says that the Government shall pay the amount; but in fact the Government may not be actually paying as they would be getting income from the estate taken over by them and what is being paid by the erstwhile tenants of the zamindars can be taken in discharge of the amount proposed to be paid for the abolition of zamindaris."

DR. V. K. JOHN :—" The Government, Sir, are bound to pay the amount under the Act and the zamindars should be paid."

MR. PRESIDENT :—" But if you analyse the position, is it not plain that they are paying it out of the income from these estates? Every ryot who is benefited is paying rent and there can be no grouse about people who are not benefited being asked to share the burden."

DR. V. K. JOHN :—" Supposing I am a tenant and I am not benefited, I should not be asked to pay anything."

MR. PRESIDENT :—" But the thing is you are not paying."

* DR. V. K. JOHN :—" The real truth is, when the zamindaris are converted into ryotwari holdings, a very large number of holders of these new ryotwari holdings are benefited to a very large extent; because the rent they were paying would be many times the assessment they would now be called upon to pay after the abolition of zamindaris. So, they are benefited and if they are benefited, it is only just and fair that they should pay. In United Provinces, Sir, where similar conditions arose, the tenants were asked to pay for the advantage that accrued to them on account of the abolition of the zamindaris."

MR. PRESIDENT :—" We know all that. What I wish to point out to the Leader of the Opposition is that if anybody is paying it is the ryot in the zamindari area. When the Government notify an estate and take it over, there is bound to be some income and the amount that the Government will be paying, namely 12½ crores—it is not a huge sum after all—can be met from the net income of at least Rs. 50 lakhs from these estates; that is,

18th November 1949] [Mr. President]

it could be met from what they pay and the other ryots who are not benefited under this Act are not called upon to pay this."

DR. V. K. JOHN :—" I am not saying that anybody who is not benefited is being asked to pay."

MR. PRESIDENT :—" The ryot who is benefited is paying a certain amount to the Government which the Government is not entitled to get now. The Government has been getting about 19 lakhs by way of peishkush and over and above that, they would be getting another Rs. 50 lakhs at least. Could not this be set apart for discharging this obligation? In that view it is only the man who is benefited who is paying."

* DR. V. K. JOHN :—" During the course of the discussion of the Bill, it was found that the Government might be benefited to the extent of Rs. 50 lakhs and what about collection charges of the Government? "

MR. PRESIDENT :—" That is the net amount, I believe."

* DR. V. K. JOHN :—" That is a matter for calculation, Sir, Even if the benefit is 12 crores, I do not say that they should pay the entire amount. I am only discussing the principles. Let them pay five crores. Let us find out if any tenant is benefited or only the Government are benefited. If the Government alone are benefited, we shall not ask anybody to pay us anything for this. But if the tenants are benefited, I certainly feel, Sir, that they must pay a portion of the benefit that they have got—I do not want that he should pay it to the full. For instance, the U.P. Government said that if any one was benefited, it was only fair that they should be asked to pay ten years' rent in instalments. I think every other Government will do that."

MR. PRESIDENT :—" From my point of view, if you ask the tenant in Madras to pay for this, it is only adding insult to injury; he has been paying ten, twelve or twenty times what his next door neighbour in the ryotwari area had been paying and he had been paying like this for centuries. If by an Act of state the Government are trying to set right this injustice under which he has been groaning for centuries, would it be right to ask him to pay more? "

* DR. V. K. JOHN :—" From one point of view, there had been a good deal of injustice from the year 1802. But under the law, they were the tenants and the zamindars were the landlords. That is the decision of the Courts of law. It is another matter to say that the law should be ignored and the decisions of Courts should be ignored. On that footing, now that they need not pay so much in future, they get a benefit. The other point of view is that the tenants were paying something which they should not have paid and the Government are correcting the injustice. This

[Dr. V. K. John]

[18th November 1949]

issue is not one between the zamindar and the tenant but between the people who have been benefited and the Government representing all the people of the province. Are we to pay this from public revenues? I can understand if the issue is between the zamindar and the tenants but it is not. It is one between those who are benefited and the whole population of the province who contribute to the public revenues."

MR. PRESIDENT:—"The issue is not between the zamindar and the ryot but between the Government on the one hand and the ryot on the other. My point is that the zamindars were not responsible for this; it is only the government of the day who are responsible and this Government are correcting the mistake of previous Governments and they are doing the right thing."

* DR. V. K. JOHN:—"Let us go a step further and make an estimate as to how much they have paid and re-pay them. But the truth is that the tenants' interests have changed hands so many times since 1802."

MR. PRESIDENT:—"As I told you, this is not going to affect the voting in the House. I am a member of the House, and am entitled to place what I feel in this matter before the House. It is in that view that I am voicing my opinion and the Government need not be swayed by it nor need you be under the impression that you must canvass support for all that I have raised. The Government will certainly do what they think right having regard to the circumstances of the case."

* DR. V. K. JOHN:—"The tenants in 1802 may not be the tenants in 1948 when we propose this Bill as it must have changed hands many times. People knew what they were buying and you cannot say that an injustice has been done to them. It is another matter if the lands were held by one family since 1802. Are you going to benefit that man who knew what he was purchasing when he purchased the tenant's right in 1947 after paying a year's rent? It will be just if we make an investigation of how much of lands changed hands."

MR. PRESIDENT:—"If you are going to make an investigation in that manner, all our life would not be enough for it. There are about 4,000 estates and it can be imagined how many years it will take to complete the investigation."

* DR. V. K. JOHN:—"Are you going to give benefit to a person who purchased a tenant's right in 1947 and recompense him for all the sufferings undergone by his predecessors-in-title from 1802. Let the benefit be conferred on the people who have suffered; but I think, Sir, it is unfair to say that the man who has recently purchased the tenant's right must be benefited to the tune of 12½ crores of rupees,"

18th November 1949]

MR. PRESIDENT:—" Even on your premises, what does it matter? You are not paying for the man who is benefited. The man is paying a particular amount of rent to the Government and that amount is being utilized by the Government for discharging the obligation they have taken upon themselves under the Act. I do not see how you are affected."

* DR. V. K. JOHN:—" We must make a clean calculation of the extent to which the Government are benefited. But I must ask, Sir: If some stranger who came on the land two years ago, is to be benefited to the extent of thousands of rupees, which he never anticipated at the time he purchased, why, Sir, should he be not asked to pay for the benefit? Why should not the example of the U.P. Government be followed by this Government? "

MR. PRESIDENT:—" In my opinion what the United Provinces Government has done is also wrong. Probably it is as an expediency, the amount of compensation being huge,—to the tune of 120 crores—and they had no other means of raising such a huge amount and it could be only justified on that ground. It may be wrong but they have been forced to do so. "

* DR. V. K. JOHN:—" There should not be any confusion in regard to the principles underlying the benefit. Somebody has suffered from 1802 and for that we are benefiting somebody else. And it is for that only I suggested that there should be an investigation into the question and a decision as to the actual number of families who have actually suffered from 1802 on account of heavy payment of rents to the zamindars. By all means let us confer the benefit upon them."

SRI M. NARAYANA RAO:—" My hon. Friend is confusing the issue. The question is the elimination of the intermediaries over those actually engaged in agriculture. In that process, if the Government are paying compensation to the zamindars, it is not for nothing; they get an income from the estates taken over by them."

* DR. V. K. JOHN:—" Why should we benefit the person who knows what he has purchased and make a gift to him when he did not even dream of it. It comes to him as a windfall and he will not grudge it. I am not asking that he should be asked to pay in full but only a portion. The Government may make a calculation how much they have spent and what their return is and how much will be the share of the beneficiary. Apart from these people, let the Government understand that there are also other tax-payers who look to Government for the education of their children, and for such other things which are the normal and legitimate functions of the Government. Whenever we ask for hospitals and take it to the notice of the Government that the bed strength of existing hospitals should be increased and there should be more hospitals and better and up-to-date treatment in regard to cancer and tuberculosis and other diseases, the answer comes

[Dr. V. K. John] [18th November 1949]

from the Government—There is no money. When we ask why so many students have not been admitted into colleges, again the Government say: No funds. We appreciate the difficulties of the Government and therefore, I am making my suggestions for the consideration of the Government. Let us not make a clean gift to these people by means of expropriation of the zamindars—I deliberately call it expropriation—let us not make a gift to the value of 12 crores of rupees out of the public revenues which amount could be utilized for providing irrigation facilities, for education, for provision of more hospitals and for making the country free from disease and for embarking upon other nation building activities. You must have a sense of perspection and you must see if this is the proper thing to do. I ask the Hon. the Revenue Minister to consider whether those who have been actually benefited should not be asked to pay a portion of the benefit accruing to them. When we take upon ourselves the obligation to pay the zamindars, let us ask the people benefited to pay a portion and let the zamindars for their part either have ready money or have it in the shape of bonds which are to be redeemed at the end of ten or fifteen years and carry a rate of interest, say, above 3 per cent and let it be transferable and marketable. Let us be fair in our transactions both with the zamindar and the people who contribute to the public revenues and they should not be asked to foot the bill for a benefit which some other people get.”

4 p.m.

* SRI B. BHIMA RAO :—“ Mr. President, Sir, may I make a few suggestions in respect of this matter. I was also feeling like my friend, Dr. V. K. John in regard to this matter. So I sent in an interpellation, which, you, Sir, have chosen to put in as an unstarred question. In that I wanted information about the peishkash which the zamindars were giving, the amount of compensation that would be paid to them, and what part of it would be got from the tenants after conversion of the estates into ryotwari tenure. I also put a question asking the Government what part of the compensation the Government are going to collect from those who are benefited by this zamindari abolition enactment. The question has been answered yesterday. In it I find there is no information about the collecting of any amount from the tenants. Sir, there is more than one who feels like Dr. John in this matter; and may I suggest when tenants in the United Provinces are ready to come forward to pay their quota of compensation of their own accord, because they are getting the lands absolutely, I think, the conditions being similar in our province, I do not see why the tenants here, in our province should not be asked to contribute a portion of this compensation amount. Let Government issue a communique saying that they are getting so much revenue after conversion of zamin areas into ryotwari areas. But they decline to give that information. They only put up an excuse saying that the settlement operation are still in progress and the inquiry is not completed. I think last time when that question was put—I think I put that question last year—their reply

18th November 1949] [Sri B. Bhima Rao]

was that the information is not available, because the work has not been commenced. A year after when I put the question why the tenants should not be asked to bear a portion of compensation amount, the reply is that the conditions in Madras are different from those in United Province and so the tenants could not be asked to pay a portion of the compensation. Let Government make an investigation and let them say what they are getting in and paying out of public exchequer. I think it is only fair to so amend the rules of compensation so as to get 12½ crores from the tenants who are to be benefited by this enactment."

* SRI R. SURYANARAYANA RAO :—" Mr. President, Sir, it would be very useful and helpful to hon. Members of this House if the Government had given us an idea of what peishkash they are getting from the zamindars now."

THE HON. SRI K. MADHAVA MENON :—" It has been given."

* SRI R. SURYANARAYANA RAO :—" Sir, my information is Government are not getting any peishkash at all. Would they tell that. I have put a long question on this point and it is to be answered on the 21st instant. Sir, my fear is, neither the peishkash of 40 or 45 lakhs nor the land revenue the Government would get after the conversion of the estates into ryotwari lands would be sufficient to pay the huge compensation. I quite realize the feelings expressed on behalf of tenants. The Leader of the Opposition pointed out cases where people have come into possession of land recently, and they are non-cultivating landlords. Are they to be benefited at the expense of the general tax-payer. That is a very pertinent question which the Leader of the Opposition raised. Further Sir, Government have no records to show what percentage—even the Hon. Mr. Kala Venkata Rao could not say when the Bill was on the anvil—of the ryots to be benefited by this measure will be actual cultivators? Have the Government any figures to show that? If there are such cultivators let them be benefited at least and let them make the Grow More Food Campaign a success."

" Sir, one of the arguments given against the tenants being asked to pay a portion of compensation is that they have been rack-rented. I have read a Press interview given by the Hon. Finance Minister, in which he says, it would be cruel to ask them to pay any such sum. I ask, who is the beneficiary in this business? It is the zamindar. Then, why give compensation to zamindars, who have rack-rented the tenants. Knowing this, still you are forced to give them compensation on grounds of equity, justice and all kinds of virtues which you wish to show and tell the public that you are generous towards those whom you are going to oust from the possession of land. Why should then the general tax-payer pay these zamindars who have rack-rented. It is unfair to pay them any such sum. Sir, I am one of those who said that no compensation should be paid to zamindars."

[Sri R. Suryanarayana Rao] [18th November 1949]

“ Then, Sir, the Hon. Minister for Land Revenue said that Government have decided to pay compensation in cash. I think, Sir, that is one of the most unfortunate decisions this Government have come to. They do not seem to have any idea of public finance. If this large amount is placed in the hands of the zamindars, just consider, what is the effect on inflation. Will not prices soar high? While the Government of India on the one hand ask people to spend less and save more—that was the slogan of Sirdar Vallabhai Patel—our Government are placing in the hands of zamindars large sums of money for them to do as they like. Give them bearer bonds. Give them fixed deposit receipts to be repayable after a particular period, after the period of inflation disappears, so that the state may not have immediately to pay a large amount. I have sent this suggestion to the Hon. Revenue Minister. If Government are going to place in the hands of zamindars large sums by way of compensation, the Government of India's fight against inflation will be nullified by the action of this Government. I am sure, the Government of India, if they had been approached for advice, would never consent this Government to lay their hands on the revenue reserve for the purpose of giving this compensation. Then, Sir, where will this Government get this amount from? Is it from the ordinary revenue of the province? Is it possible, for we are already running into deficit? The only course open to them is to lay their hands on the revenue reserve. We have warned them against doing it, and they dare not do it. The Government of India have warned this Government about this, and I read an extract from the Capital, that such a communication had been received by this Government at that time warning them that they should not touch the Revenue Reserve Fund. Then, Sir, why all these rules and regulations? It would be better some provision is made for the maintenance of the zamindars. It may be easy to do this instead of paying cash. I repeat, do not place large sums of money in the hands of zamindars. The evil effects of that on the country will be terrible and disastrous. I do not want the zamindars should be left in the lurch. By all means make provision for their maintenance; enable them to live and that decently. Only we do not want Government to place large amounts in their hands and invite ruin on this province. If the Andhra Province becomes a fact, let the Andhra Province be guilty of this. (Laughter.) (Dr. V. K. John: ‘Hear, hear.’) Let us not be parties to it. Let not the Madras Legislature be guilty of this because the good of the common man will be greatly affected by inflation and rise in prices.”

MR. PRESIDENT :—“ I may point out to you that payment of 50 per cent of the amount is not provided for in the rules.”

* SRI R. SURYANARAYANA RAO :—“ Sir, let it be made in instalments, two instalments, three instalments or four. Let the instalments be in small amounts of two thousand or three thousand rupees, and not in ten thousand or twelve thousand rupees, which would affect prices. I would like Government to consider this aspect of the matter,

18th November 1949] [Sri R. Suryanarayana Rao]

" We take this opportunity to warn the Government that they should be very careful in arriving at such a decision and implementing it. The basic annual sum of every estate has yet to be fixed by the Director of Settlements. Even before the survey takes place and the Director of Settlements arrives at the basic annual sum under section 27, the Government want to pay some amount as compensation immediately. It is on that point that I am emphasizing. We would like the Government to adopt the suggestion made by the Leader of the Opposition that, as cash payments may not be desirable in most cases, bonds may be issued instead. The Government should reconsider and revise their decision to make payment in cash. Cash payment will be disastrous to the whole of Madras Province, whether it is the present Madras Province or the future Andhra or Tamil Province.

4-15
p.m.

" Where is the money for paying compensation to come from, unless more taxes are imposed? The Sales Tax has already been imposed and it is being collected at all stages and that too at a fairly heavy rate. The Hon. Finance Minister said that it was not paid by the ordinary men. I wonder who else is paying it. Most of us here are ordinary men and it is we who are paying the tax. Whenever we purchase anything including rice, we pay the tax.

" Considering the position of this province and the undesirability of laying our hands on the Revenue Reserve Fund which is meant for developmental purposes and the effect of the release of such a large amount in cash on inflation and the consequent increase in prices, I beg of this Government to go slow in giving effect to these rules."

SRI M. NARAYANA RAO :—" Mr. President, Sir, I am not able to understand the argument that the tenant, who is benefited by the Zamindari Abolition Act, should be made to pay for the compensation. He has been paying very high rents for a very long time. By reducing the rents to the level of the land-tax in ryotwari areas, we are not conferring any benefit on him but we are only doing him bare justice. Under the Madras Agriculturists Debt Relief Act, we are not asking the agriculturist-debtor to pay for the benefit he derives from that Act. Similarly the tenant should not be asked to pay for the compensation. Hitherto the zamindar had been collecting rents. Now the Government have acquired the right of the zamindar and are going to collect the tax. If the tenant is to pay for the compensation, why should he pay the tax to the Government? He could as well pay the compensation direct to the zamindar. It is most unfair to ask the tenant to pay for the compensation. I do not know how such an able lawyer as the Leader of the Opposition failed to view the question from this standpoint.

" The whole compensation is not likely to be paid in the near future. Perhaps the Government of the Andhra Province will have to deal with the question. I do not think that the Madras Government have got the necessary funds now for paying the entire compensation. I would request the Government to pay at least a portion of the compensation when they enter an estate. Some

[Sri M. Narayana Rao] [18th November 1949]

of the proprietors have got debts to discharge, and some others have no other means to fall back upon except their estates. It is but just and fair that a portion of the compensation is paid immediately after they take possession of an estate pending settlement of the basic annual sum for which an elaborate process has to be gone through. When a private person purchases a property, he has to pay the full value before he can take possession of it. Since the Government are taking possession of the estates, it is only fair that they pay at least a portion of the compensation."

* SRI N. RANGA REDDI :—" Sir, after hearing the eloquent speech of the hon. Leader of the Opposition, I would like to reply to some of the criticisms levelled against the policy of the Government with regard to the payment of compensation. The main point urged by him seems to be that the tenant, who benefits by the present legislation, should be asked to pay whatever amount the Government will have to pay by way of compensation. As a Member of the Joint Select Committee which considered the Bill, I sat through all the sittings of the Select Committee for a number of days and I have learnt one important thing. Under the present legislation, the tenant does not get more benefit than what he was getting previously. I would like to clarify my point. Under the Madras Estates Land Act, 1903, the tenant had the right to lease, sell and make a gift of his land. Only he had to pay the rent that he was paying previously. If a zamindar wanted to enhance the rent, he could not enhance the rent straightway like an autocratic ruler. He had to go before a Deputy Collector, advance some reasons like the provision of some new irrigation facilities or the effecting of some other improvements, and let in evidence in support of them. Therefore the Government wanted to prevent the zamindar from further increasing the rent demanded of the tenant. It is the duty of the Government to pay for and acquire whatever rights the zamindar has with regard to his lands. Therefore I have been urging from the very beginning that, so far as compensation is concerned, the tenant should not be made to pay for it. Who else should pay for it is a matter which concerns the Government. Both the Leader of the Opposition and Sri R. Suryanarayana Rao urged that the tenant is benefited and that therefore he should be asked to pay the compensation. That is the kind of argument which I would like to deprecate in this House. It cannot be said that if the tenants in the Madras district are benefited, they ought to be made to pay the compensation. Whatever is good and conducive to the welfare of the peasant should be treated as a charge on the general revenues of the Province, and the whole Province should be treated as one unit for that purpose. Suppose there is cholera, plague or smallpox in certain districts. The Government spend money in taking preventive steps in those districts from the general revenues to which the districts which are not affected by that disease also contribute. While discussing the cyclone havoc in the Cincir districts the other day, the Leader of the Opposition said that it should be treated as a national calamity and dealt with as such. I ask whether the same sentiment does not appeal to him in this case. His argument seems to be ; " The tenant has suffered

18th November 1949] [Sri N. Ranga Reddi]

an injustice. But we are not going to redress that injustice." Why should a tenant in a zamindari area pay much more tax than a tenant in a ryotwari area? I suppose he realizes the difference between a rate and a tax. So far as tax is concerned, no service is given by the Government. It is only the rate that is paid for any services rendered. If a Municipality gives electric connection to my house, I pay a rate for the service they do. That is not so in the case of tax. The tax is paid to the Government by the tenant irrespective of whether he gets any benefit or not. I submit that compensation should not be treated as a rate with reference to the tenant and as a thing with which one part of the Province has no concern. It concerns the whole Province. If the tax is reduced, the tenant will be happy and prosperous, put his land to better use, and to that extent he will be bringing prosperity to the whole Province. I submit that this sort of division into compartments should not be resorted to in dealing with problems of this nature.

"Inflation is a very big matter with which I would not like to trouble myself but would rather leave it to the Government."

SRI T. PURUSHOTHAM:—“అధ్యక్ష, ప్రతిపక్ష నాయకులు జమీందారీ రద్దు సందర్భములో జమీందారులకు నష్ట పరిహారము ఇచ్చుటకుగాను ప్రభుత్వమువారు ప్రతిపాదించిన Draft Rules పై విమర్శించుచూ జమీందారుల కివ్వవలసిన నష్ట పరిహార మొత్తమును జమీందారీ యెత్తులవద్దనుంచే రాబట్టువలసినదని వాదించి యున్నారు. వారి వాదన నాకు చాలా ఆశ్చర్యమును కలుగజేయుచున్నది. ప్రభుత్వమువారు తలపెట్టిన ప్రతి విల్లును ప్రతిపక్షనాయకుడు విమర్శించుచూ, ప్రజల హక్కులను కాపాడుట తమ విధియని, ప్రజా సామాన్యముయొక్క రక్షణకై తాము పాటుపడుచున్నామని, ప్రజలయొక్క హక్కులనే తాము Champion చేస్తున్నామని చెప్పే ఆయన జమీందారీ యెత్తుకు ప్రభుత్వమువారు న్యాయముగా కనుకరచిన ఈ ఆదరిణను విమర్శించుచూ, జమీందారుల కివ్వవలసిన పరిహారమును గత నూటయ్యై సంవత్సరముల నుంచి జమీందారులచే పీడింపబడి, ప్రాణాపశ్చిన్నయై జమీందారీ యెత్తులవద్దనుంచే వసూలు చేయవలెనని, ప్రభుత్వ ఖజానాలోనుంచి జమీందారులకు డబ్బు చెల్లించి నచో ప్రజకు ప్రభుత్వమునకు నష్టము సంభవించునని వాదించుట చూడ ఆత్యాశ్చర్య కరముగ నున్నది.

“నేను తూర్పు గోదావరి జిల్లాలో ఈ సభ్యున ప్రభుత్వమువారిచే స్వాధీనము చేసికోబడిన పితాపురము జమీందారీలోని ఒక యెత్తును గనుక ఈ ప్రతిపక్షనాయకుడు చేసిన వాదనను చూచి ప్రతి జమీందారీ యెత్తుయొక్క హృదయము ఎంత సంతోషిస్తుందో ఈ సభికులకు, అందు ముఖ్యంగా ప్రతి పక్షనాయకునకు, తెలియజేసే ఉద్దేశంతో, వాదలో నేను కొన్ని విషయములను ఇచ్చట మనవిచేయదలచినాను.

“మన దేశమును ఆక్రమంగా చేజిక్కించుకొనిన East India Company వారు పరిపాలనా సౌలభ్యం కోసం ఈ జమీందారులను ఏర్పాటు చేసినారనే విషయం మన కందరకు తెలిసినటువంటిదే. ప్రతిపక్షనాయకుడు చూడ ఈ విషయాన్ని గుర్తెరింగి వారే అని నేను నమ్ముచున్నాను. East India Company వారు అనాడు మన దేశంలో ప్రజల మధ్యన, పరిపాలకుల మధ్యన అంతఃకలహాలను రేకెత్తించి అనైక్యతను అండగా తీసుకొని దేశాన్ని స్వాధీనపరచుకొని ప్రజలు ఎల్లప్పుడు శాశ్వతంగా వాని సలుగా ఉండేటట్లు చేసే తలంపుతో జమీందారుల నేటటువంటి విజేట్లను సృష్టించి

4-30
P.M.

[Sri T. Purushotham] [18th November 1949]

1802 వ సంవత్సరంలో Permanent Settlement అనే పేరుతో రైతును స్వర్ణ విధాల పొందినట్లుగా మార్చి ఈ వైశాచిక విధానాన్ని విప్పారు చేసినారు. 1802 వ నాటి Permanent Settlement ప్రకారము జమీందారు రైతులవద్దనుంచి ఒక నిర్ణీతమైన శిస్తును వసూలుచేసి కొన్ని చోట్ల మూడు వంతులు ప్రభుత్వముకు ఒక వంతు జమీందారుకు, మరికొన్ని చోట్ల అయిదు వంతులు ప్రభుత్వముకు, మూడు వంతులు జమీందారుకు పంచివెట్టే కద్దరిని విప్పారు చేసినారు. అలాగా ప్రభుత్వముకు జమీందారులు ఎంత పేస్ ట్ చెల్లించవలయునో, రైతుల వద్దనుంచి ఎంత శిస్తు వసూలు చేయవలయునో ఒక నిర్ణయం చేసినారని ఎవరైనను ఊహించగలరు. ఈ జమీందారులు అలాగే ప్రభుత్వ విజెట్టుల వారలైన ఆమాయకులగు రైతులను శాశ్వతంగా బానిసలుగా చేసి వారలైన మృగాల కింద జమకట్టి వారిని అనేక అష్టకష్టములకు గురికావించి ఈ రెండువందల సంవత్సరముల నుంచి రైతాంగాన్ని పీల్చి పీల్చి చేసినటువంటి సంగతి ప్రతిపక్ష నాయకుడు ముందుగా గుర్తించవలసినది కోరుతున్నాను. దేశంలో పరాయి ప్రభుత్వం ఉన్నప్పుడు మంత్రివర్గాలు ఈ జమీందారుల హక్కులపై యావద్దాని ప్రజాదాస్య స్పృహలలో పడి ముగ్ధులున్న సమయములో ఈ రోజున ప్రభుత్వ ప్రతిపక్షంలో కూర్చుని ప్రజాభిమానాన్ని చూపగలనట్టి వారి పరమాశయమని ప్రజల హక్కులను కాపాడుటే వారి విద్యుక్త, ధర్మమని గోపించే ప్రతిపక్ష సభ్యులు, నాయకులు ఆనాడు ఆ జమీందారి విధానాన్ని శర్మించిన వారే.

“1802 వ నాటి Permanent Settlement ప్రకారము ఒక నిర్ణీతమైన శిస్తును జమీందారులు రైతు వద్దనుంచి వసూలు చేయవలసియున్నను జమీందారులు స్వలాభా వేక్షతో ఆనాటి ప్రభుత్వాన్ని అండగా తీసుకొని, వారి హక్కులపై యున్న అధికారాన్ని అవకాశంగా నిర్దాక్షిణ్యంగా వారి, వారులేని ఆమాయక రైతులవద్దనుంచి నిర్ణీతమైన శిస్తును అనేక రెట్లు—కొన్ని సందర్భములలో ఇరువది రెట్లు ముప్పది రెట్లుకూడ—శిస్తును వసూలుచేసి వారి ఇసుప హస్తాలతో రైతాంగాన్ని పీల్చి పీల్చి చేసిన ఆ జమీందారి ప్రభుత్వానికి ఈ ప్రతిపక్ష సభ్యులలో కొందరు అండగా నిలిచారంటే ఆశ్చర్యమేమి లేదు. ఆ నాడు జమీందారు అనే అతడు పర ప్రభుత్వాన్ని ఈ దేశంలో చిరిస్తాయిగా ఊచుటకుగాను ఏర్పడిన స్థానమువంటివాడు. అటువంటి వారిని ప్రోత్సహించి, వారికి తమ ప్రోద్బలాన్ని ఇచ్చినవారే ఈ నాటి ప్రభుత్వ ప్రతిపక్షములోనివారు. ఆ 1802 వ నాటినుంచి ఈ నాటివరకు జమీందారి రైతు ఎన్ని అష్టకష్టములపాలు కావలసివచ్చిందో ఎన్ని పేద రైతు కుటుంబాలు జమీందారుల నిర్దాక్షిణ్యానికి, దౌర్జన్యానికి, అక్రమానికి గురికావలసి వచ్చిందో ఒక్కసారి అనలోకించవలసినదని ప్రతిపక్ష నాయకుని కోరుతున్నాను. ఆ పీడిత రైతాంగము ఈ నాడు కూడ జమీందారుకు అపరాధం చెల్లించాలంటే ప్రతిపక్ష నాయకుని వాదనలోని బౌద్ధత్యాన్ని కొనియాడవలసి యున్నదో లేక నెడనాడ వలసియున్నదో సభ్యులు నిర్ణయించుకోగల సమర్థులని నాకు విశ్వాసము కాని ప్రతిపక్ష నాయకుడు, ఆయన పక్ష సభ్యులు ఈ నాటి దేశ, కాల పరిస్థితులను గుర్తించాలి. నాటికి, నేటికి ప్రజా హృదయంలో మార్పు కనిపిస్తుంది ప్రజలు ముఖ్యంగా రైతులు కట్ల తెరచారు. వారి విభులేమీ, హక్కులేమీ వారికి పూర్తిగా తెలుసును. దేశం స్వతంత్రమైందని పరాయి ప్రభుత్వం భాసావ్యూహ విధానం అంతరించినాయని ప్రజలకు బోధపడింది.”

MR. PRESIDENT :—“అంత విఫలంగా చెప్పవలసిన అవసరం లేదు. జమీందారి రైతువద్దనుంచి జమీందారు కివ్వవలసిన పరిహారాన్ని వసూలు చేయటం ప్రభుత్వ సంకల్పం కాదు. మీరు క్లుప్తంగా ప్రసంగించవలయును.”

18th November 1949]

SRI T. PURUSHOTHAM :—“ ప్రభుత్వమువారు జమీందారీ రైతుత్వ నుంచి ఈ పూహార మొత్తాన్ని వసూలు చేయరని నా భవ్య విశ్వాసము. ప్రభుత్వాన్ని నేను శంకించను. కాని ప్రతిపక్షనాయకుడు ఈ ప్రజా ప్రభుత్వం ఏదో మహాపరాధం చేస్తుందని ప్రజాభావాన్ని దుర్వినియోగం చేస్తుందని జమీందారీ రైతుల అమాతంగా మహాభాగ్యవంతుడై పోతున్నాడని ప్రభుత్వం ఆతనిపై ఎటువంటి కన్నును విధించటంలేదని ఆరేక ఆభాందాన్ని ప్రభుత్వం వాదించి విసిరారు. వారి విమర్శలను ఎంతమాత్రము ప్రభుత్వం శ్రద్ధించుకొనరాదని జమీందారీ రైతాంగము ఎటువంటి పరిస్థితులలోనైన ప్రజాప్రభుత్వానికి అంటే నిలుస్తుందని ప్రభుత్వానికి తెలియ జేయడమే నా ముఖ్యోద్దేశము. ఈ విషయాన్ని ప్రభుత్వంవారు గుర్తించరని నేను ఆశిస్తున్నాను.

“ 1947 వ సంవత్సరం ఆగస్టు 15 వ తారీఖున మనము సర్వ స్వశంతులమై నాము. రైతాంగము ఈ విషయాన్ని గుర్తించింది. 1937 వ సంవత్సరము లోను, 1940 వ సంవత్సరము లోను ఎన్నికల జరిగినప్పుడు కాంగ్రెసువారి ఎన్నిక ప్రధానిక ప్రకారము జమీందారీ విధానాన్ని రద్దు చేస్తామని ప్రకటించి ఉచ్చింది. ఈ హామీని పురస్కరించుకొని జమీందారీ రైతులందరూ కాంగ్రెసు అభ్యర్థిలకే వచ్చి పెట్టెలలోని అమూల్యమైన తమ ఓట్లను ఉంచి రెండుసార్లుకూడ కాంగ్రెసువారికి అఖండ విజయాన్ని చేకూర్చినారు. ఆ కారణంచేతనే ఈ నాడు ఈ సంగతులు ఇక్కడ కూర్చున్నటకు ఆనక శం దిక్కింది. ఈ మేరకు ఈ ప్రభుత్వంవారు జమీందారీ రైతాంగానికి బుద్ధివంతులైనారు. ఆ నాడు ఎన్నికలకు పురస్కారము అధికారము జమీందారుల హస్తగతమై యిప్పుడు ప్రతిపక్ష ప్రభుత్వమువారి అంధునన్న పుటికి జమీందారీ రైతుల నిర్భయంగా జమీందారులను కత్తిరించేవి కాంగ్రెసువాసే బలపరిచినారు. 1937 వ సంవత్సరములో జరిగిన ఎన్నికలలో మా మూర్ఖుల దావరి చిల్లాలో ఎంతో అంగరేఖకు ఆర్థికము ఉన్న పితాపురము, మహారాజా, యువరాజా గాల్లను ఇప్పటి దిగి శాసన సభ సభ్యులలో ఒకరగు శ్రీ మల్లేశ్వరాడి వల్లంరాజు గారు, మాజీ రెవెన్యూ శిక్షామాత్యులు కళా కంకడిరావుగారు ఎన్నోవేల వోట్లు మెడలీటితో ఓడించినారంటే రైతాంగము జమీందారీ విధానాన్ని, జమీందారులను ఎంతగా ద్వేషిస్తున్నారో కాంగ్రెసు ఎడల ఎరటి ఆదలలతో స్వాస్థ్యాన్ని ప్రదర్శిస్తున్నారో డాక్టర్ వి. కె. జి. గారు ఊహించుకోగలరని నమ్ముచున్నాను. ఆ జమీందారీ రైతుల సహాయముతో ఈ నాడు అధికారాన్ని హస్తగతం చేసుకొన్న ప్రజా ప్రభుత్వం ప్రజా ప్రతినిధుల జమీందారీలను రద్దు చేస్తున్నారంటే ప్రతిపక్ష సభ్యులు ఎందుకు విమర్శించ బూనుకొన్నారో నాకు అర్థమైతే కలగ చేస్తుంది.

“ ఈ నాడు ప్రశ్నకంగా జమీందారీ రైతుకు ప్రభుత్వంవారు చేస్తున్న మహాపరాధం మేమో మాడ తెలియజేస్తాను. రెండువందల సంవత్సరాలనుంచి జమీందారీరైతు ఎన్నోవిధాల పీడింపబడినాడు. అటువంటి రైతు ఈ నాడు ప్రక్క న ఉన్న రైతాగ్రి రైతు వి శిస్తు ప్రభుత్వంవారికి చెల్లిస్తున్నాడో ఆ శిస్తే అరడుకూడ ఇకముందు జమీందారీలకు బదులు ప్రభుత్వముగకు చెల్లించేటట్లు మార్పులే ఈ జమీందారీరద్దు వ్యక్తిముయొక్క సారాంశము. అంతే కాని జమీందారీ రైతులకు ఈనాడు ఎటువంటి మహాపరాధము చేయబడలేదు. రెండువందల సంవత్సరములనుండి జరుగుతున్న అన్యాయము ఈ నాడు ప్రభుత్వంవారు కొలగించారు. కాని వేరేవి యుకాద. జమీందారీ రైతుకూడ రైత్యాగ్రి రైతులనే ఇకముందు ప్రభుత్వానికి శిస్తు చెల్లిస్తాము. ఈ విధానమువల్ల ప్రభుత్వానికి హెచ్చుప్రతిఫలమున్నది. కాని వివిధమైన దండకలేదు. 1802 వ సంవత్సరములో Permanent Settlement ప్రకారం ప్రభుత్వమువారికి జమీందారులు ఇచ్చే యాదై లక్షల

[Sri T. Purushotham] [18th November 1949]

పేషెంట్ కాకుండా సుమారు మరొక యాభైవల రూపాయల అధనపు ప్రతిఫలము ప్రభుత్వానికి వస్తుందని అంచనా వేస్తున్నారు. అంటే జమీందారీ రద్దువలన ప్రభుత్వానికి అధనపు ఆదాయము వస్తుందే గాని, ఎటువంటి నష్టము కలుగదు. Cornwallis తో ప్రారంభించబడిన ఈ అమానుష భూస్వామ్య విధానాన్ని మా కళా వెంకటరావు రద్దు చేసినాడు. ఈనాడు ప్రభుత్వము జమీందారులకు నష్టపరిహారము వస్తుందంటే వారికి హెచ్చు ఆదాయము రాబట్టుకొనే అవకాశం కలిగించుకోనే చేసిందికాని ముందుచూపు లేకుండా జమీందారులకు కోట్లాది డబ్బు ఇవ్వనిచ్చియుంచలేదు. ప్రభుత్వము జమీందారీ రైతులవద్దనుంచి పన్ను వసూలుచేసే హక్కును కొనుక్కొనినదే కాని వేరుకాదు.

“ప్రభుత్వంవారు చేయదలచిన ఈ స్వీకరణలలో వారిపెట్టుబడికి మంచి ఆదాయము వస్తుందని మనవిచేస్తున్నాను. రెండువందల సంవత్సరాలనుంచి ఎంతో ఎక్కువ శిస్తును జమీందారులకు చెల్లిస్తున్న రైతులవద్దనుంచి ఇంకా కొన్ని కోట్ల రూపాయలుకూడ వసూలుచేయాలనడం ధౌరతరాన్యాయమని ప్రతిపక్షనాయకుడు Dr. John గారు గుర్తించగోరుతాను. Dr. John గారు జమీందారీభూములు 1802 వ సంవత్సరంలో ఏ పట్టాదారులకు ఇవ్వబడినవో వారితోలులానే ఈ నాడు చాలా భాగము లేవని వాదలాది సంవత్సరాలు జమీందారులచేత పీడింపబడిన రైతులకు కాకుండా ఈ భూములను దరిమిల కొనుక్కొనిన ఇతరులకే జమీందారీరద్దు చట్టమువల్ల ఉపకారము జరుగుతుందని వాదిస్తున్నారు. ఈ వాదనలోని పటుత్వమేమో నాక బోధపడుట లేదు. మొదటి పట్టాదారులనుంచి ఎవరైననూ భూములను కొనుక్కొనియుండవచ్చును. అంటే ఆ మొదటి పట్టాదారులకు ఎకరానికి వెయ్యి రెండువేల రొక్కల ఇచ్చి జమీందారులకు ఇవ్వవలసిన శిస్తుచెల్లించే నిర్ణయమైన కొనుక్కోలు జరిగిఉంటుంది. అనగా భూమికి సరియైన విలువ మొదటి పట్టాదారులకు పుట్టి పట్టాదారు ఎప్పుడో చెల్లించియున్నాడు. అతనికి జరుగుచున్న గొప్పఉపకార మేదియులేదు. ఇకముందు కూడ అతడు ప్రభుత్వానికి ప్రక్కనున్న రైత్యారైతు ఇచ్చే శిస్తునే చెల్లిస్తాడు. అటువంటి పరిస్థితులలో అతనివద్దనుంచి జమీందారుకు compensation ఇవ్వడంకోసం ఇంకా కొంతడబ్బు వసూలుచేయడం హాస్యాస్పదమైన విషయం. ఈ సందర్భంలో ఇంకొక విషయము చెప్పవలసియున్నది. జమీందారీ రైతులనుంచి శిస్తు వసూలుచేసు కొనే హక్కును ప్రభుత్వమువారు తమ విజంతుఅగు జమీందారులవద్దనుంచి ఉపసంహరించి నారుకనుక జమీందారుకు compensation ఇవ్వవలసిన తలచినట్లయితే దానిని వారే జమీందారుకు ఇవ్వవలెనుగాని, దానితో రైతుకు ఎంతమాత్రము సంబంధములేదు. జమీందారీరద్దు చట్టమును ఇదివరలో మన ఉభయశాసన సభలలోను చర్చించుచున్నపుడు ఆ నేకమంది కాంగ్రెస్ సభ్యులు జమీందారు భూమికి స్వంతదారుడు కాడని, అతడు ప్రభుత్వంవారికి విజంతు అనియు, ఆ విజంతును ఇప్పుడు తొలగించి నను ఎటువంటి పరిహారమును ఇవ్వనవసరములేదని చెప్పియున్నారు. మన శాసనసభల చర్చా వివరములను చూచితైతే ఇవి అస్తియు స్పష్టముగా తెలియగలవు. ఇంత కాలమునుంచి రైతులను అనేకవిధాలుగా పీడించిన జమీందారులను తొలగిస్తూ, వారియడల దయతోనే ప్రభుత్వమువారు compensation ను ఇవ్వనిచ్చియుంచినారు కాని, యదార్థము ఆలోచించి చూచినట్లయితే వారికి ఎంతమాత్రము పరిహారమివ్వనవసరములేదు. జమీందారీరద్దు చట్టాన్ని దిగువసభలో చర్చించుచున్నపుడు మిత్రులు విశ్వనాథంగారు జమీందారులకు ప్రభుత్వమువారు ఇవ్వదలచిన పరిహారం చాలా హెచ్చుగా ఉన్నదనినీ, 1802 వ సంవత్సరంనాటి Permanent Settlement ప్రకారము జమీందారుకు ఇవ్వవలసిన డబ్బును ప్రాథమికంగా తీసుకొని జమీందారు

18th November 1949] [Sri T. Purushotham]

లకు compensation ఇవ్వవలసినగాని మరొకవిధంగా ఇవ్వకూడదనికూడా ప్రభుత్వము వారికి సలహా ఇచ్చియున్నారు. కాని ప్రభుత్వంవారు రైత్వారి రేట్లను ఆదారంగా చేసుకొని compensation ను నిర్ణయించియున్నారు. ఈ compensation ఇచ్చు అనేటటువంటిది జమీందారుకు ప్రభుత్వమువారికి మధ్యన జరుగవలసినదే కాని రైతుకు దీనితో ఏ మాత్రము సంబంధములేదు. ఈ నాడు రైతు ప్రభుత్వమువారికి ప్రక్కన ఉండే రైత్వారి రేటు ఇవ్వాలి. ఈ రేటు ప్రకారంగా అతడు 1802 వ సంవత్సరం నాటి శిస్తు కన్న హద్దు శిస్తు ప్రభుత్వమువారికి ఇస్తాడు. అంటే ప్రభుత్వమువారికి జమీందారి రద్దువల్ల లాభమేకాని ఎటువంటి దండుగలేదు. ఇవి యదార్థవిషయములైనప్పటికి, ప్రజలను కాపాడడమే, ప్రజల హక్కులను రక్షించడమే వారి పరమాశయమని చెప్పుకొనే ప్రతిపక్ష సభ్యులు, ఇంకా కొంత డబ్బును జమీందారి రైతులవద్దనుంచి వసూలుచేయమంటున్నారు. వారి వాదనలలోని అంతర్భాషి ప్రజలు గుర్తించగలరని, ఇటువంటి వాదనలను విని ప్రజలు మోసపోరని ప్రతిపక్ష సభ్యులు గుర్తించగలరని ఆశిస్తున్నాను."

MR. PRESIDENT :—" దీర్ఘముగా ఉన్నట్టుంది, త్వరగా ముగియండి."

SRI T. PURUSHOTHAM :—" రెండుమాటలు మనవిచేసి ముగిస్తాను. ప్రతిపక్షసభ్యులు వారి వాదనలను బలపరచుకొనేనిమిత్తము, సంయుక్త రాష్ట్రములలో (United Provinces) ఆ ప్రభుత్వము వారు జమీందారులకు ఇవ్వవలసిన compensation ను తెల్లించుటకుగాను కొంతమొత్తమును రైతులవద్దనుంచి వసూలుచేస్తున్నారని చెప్పియున్నారు. వారు మొదట సంయుక్త రాష్ట్రములలోని జమీందారులకు, ఈ రాష్ట్రములలోని జమీందారులకు అక్కడి రైతులకు అక్కడి రైతులకు వసీమస్తకాంతరము ఉన్నదని గ్రహించగోర్రాను. అక్కడి జమీందారి రైతు ఇక్కడి జమీందారి రైతువలె పీడింపబడకపోయియుండవచ్చును. అక్కడి జమీందారి రైతులు మేకలువలై ప్రభుత్వమువారు విమిచేయమనిన అది చేయవచ్చును. ఇక్కడి రైతులకన్న అక్కడివారు భాగ్యవంతులుగను కూడ ఉండవచ్చును. కాని మన మద్రాసు రాష్ట్రములలోని జమీందారి రైతు ఈ నష్టపరిహారాన్ని ఎంతమాత్రము ఇవ్వకొనలేదు. అతడు చాలా బీదవాడు. ఏ ప్రభుత్వముగాని అతనిని నిర్బంధించి డబ్బు వసూలుచేయలేదు. ఉభయరాష్ట్రములలోని రైతుల స్థితిగతులను పరిశీలించుటచే పోలిక పీనుకగాని వాడము ఎంతమాత్రము సమంజసముగాలేదు. సంయుక్త రాష్ట్రములలోవలె ఇక్కడి రైతులు జమీందారుకు ఏచ్చే నష్టపరిహారాన్ని ఇవ్వలేరని, ఇవ్వరని కూడా ప్రతిపక్ష సభ్యులు గుర్తించగోరుతాను."

"జమీందారిలను రద్దు చేయడంవల్ల రైతులకు ప్రభుత్వమువారు ప్రత్యేక సౌఖ్యముల చేమి కలుగజేయటం లేదు. జమీందారి రైతులకు quit-rent వసూలునామా విడి ఇవ్వటంలేదు. జమీందారి రైతులు ఇకముందు ప్రభుత్వంవారికి ప్రక్కనఉన్న రైత్వారి రైతువలె శిస్తును విటేటా చెల్లిస్తూఉండవలసినదే. కాగా ప్రభుత్వంవారు చేస్తున్న దేమిటంటే రైతులు 5, 10 సంవత్సరాలలో ఇచ్చే డబ్బును ఒకేసారిగా జమీందారుకు compensation గా ఇస్తున్నారు. అంటే ప్రభుత్వంవారు కొద్దిపాటి డబ్బును అధ్యాన్నుగా పెట్టుబడి పెడుతున్నారన్నమాట. దీనికి ప్రతిఫలంగా వారికి కావ్యతంగా జమీందారి రైతుల ప్రభుత్వానికి రైత్వారి రేట్లప్రకారము పన్ను చెల్లిస్తారు. కాబట్టి ఈ జమీందారి రద్దువల్ల ప్రభుత్వంగాని, ప్రజలుగాని నష్టపోవటంకాదని దీనివల్ల లాభమే కలుగుతుందని గుర్తించి ప్రతిపక్ష సభ్యులు వారి అభిప్రాయములను మార్చుకొనవలసినదని కోరుచున్నాను. నేను ఒక జమీందారి రైతును కనుక, నావలె ఇతర జమీందారి

[SRI T. Purushotham] [18th November 1949]

రెవెన్యూ డివిజన్ ప్రతిపక్ష నాయకుని కిమిగించు విని బాధపడుతాడు కనుక ఇంతవరకు మాధానము వేపువలసి వచ్చినదని మనవి చేస్తున్నాను."

MR. PRESIDENT :—“ దీర్ఘంగా ఉన్నది.”

SRI T. PURUSHOTHAM :—“ రెండుమాటలలో ముగిస్తున్నాను. ప్రభుత్వం వారు ప్రతిపక్ష సభ్యుల విమర్శల పాటింపనక్కరలేదని, రైతువర్గముచే వివిధంగాను సమైక్యపరిహారాన్ని వసూలుచేయిరని విశ్వసిస్తూ ముగిస్తున్నాను.”

4-45
P.M.

SRI A. GOVINDACHARYULU :—“ Mr. President, Sir, I rise to congratulate the Government for bringing forward these rules before this House. I wholeheartedly welcome these rules. That was our fight with the Hon. Minister for Revenue in the Select Committee because it was our complaint then, that the Bill did not contain adequate provision with regard to the payment of compensation to the zamindars whose rights have been acquired. We wanted that the zamindars should be paid proper and adequate compensation in some concrete shape. So, I thank the Government and also the members of the Joint Select Committee who have fought for that, because that has now taken shape and the Government have now come forward with these rules specifying the mode and the rate of compensation. Therefore they deserve the congratulation of this House.

“ Sir, my hon. Friend the present Revenue Minister, Mr. Sitarama Reddi has specially to be congratulated on this matter. I know what troubles he had taken to bring about these concrete proposals.

“ Sir, in Rule 2 it is stated that compensation should be paid in instalments spread over a period of three to five years. I want to know why the matter should not be settled once and for all, and the zamindars paid the compensation amount in one single instalment and their estates taken charge of. (Interruption.) I do not think, Sir, that my hon. Friend Dr. V. K. John has advocated any expropriatory legislation at any time. He has several times expressed that he was against expropriation without compensation. Why should he now come forward and say that the ryots should be made to pay the compensation? The Government are going to collect taxes from the tenants instead of from the zamindars in the form of peishkash. It is the Government that have acquired the rights of the zamindars and therefore it is they should pay the compensation, because the revenues are going to be increased hereafter. They will get more revenues hereafter from the ryots than the peishkash which they got previously from the zamindars. Therefore the zamindars should be treated with grace, because we have taken away their property, which means, their livelihood. Perhaps they may have other properties or cash, but that is not the reason why we should deprive them of their compensation. Sir, I welcome these rules and I congratulate the Government for having kept up their word.

“ Sir, my hon. Friend Mr. R. Suryanarayana Rao has said that the payment of such large sums of money is likely to cause

18th November 1949] [Sri A. Govindacharyulu]

inflationary tendencies in the country. I submit, Sir, that payment of compensation in cash, and currency inflation are not interdependent. The Government can float a loan for an amount equal to the amount of compensation payable to the zamindars. That amount will come from the public. Then there will be no question of inflation. Sir, there seems to be some confusion of thought in the minds of some hon. Members on this matter. I submit, Sir, that inflation has nothing to do with the payment of compensation in cash.

“ Sir, I once again congratulate the Government for bringing forward these rules before the House and I shall be glad, if they put these rules into execution properly and hereafter also they should stick to the principle of paying proper and adequate compensation wherever they want to acquire property rights.”

* THE HON. SRI H. SITARAMA REDDI :—“ Mr. President, Sir, I should say that the question of payment of compensation is a dead horse which has been flogged too much in this House. I do not think, Sir, that there is any need for controversy over this matter. The Government have clearly stated on more than one occasion and even in reply to a question yesterday, that they do not propose to collect the money from the tenants for paying compensation to the zamindars. I think, Sir, that discussion has gone on in a rather academic fashion on this point. This matter has not come up for the first time to-day. This has been discussed at great length in both Houses of the Legislature when the original Bill was under discussion and I believe that all aspects of the question had been considered and then only the Bill was passed and so, that matter had been set at rest long ago.

“ Sir, my hon. Friend the Leader of the Opposition wanted to help the Government by giving a tip as to how they could find the money easily. It is not only a question of how to find the money, but a question of doing justice. I do not think I need go into the whole argument as to why we have proposed not to collect the amount from the tenants, because several hon. Members have argued that point very well and more warmth than was needed has been imported into the discussion.

“ Sir, I was rather amused to hear my hon. Friend Mr. Suryanarayana Rao saying that the Government are trying to pay 50 per cent of the compensation amount in advance in order to please the zamindars. I am sorry, he is not here now. I can only say that it really amused me to hear such a remark from him. May I remind him, that never in the tradition of this House has any member of the opposition given such a credit to the members on the Treasury Benches, because we have always been attacked that we have been unfair to the zamindars. Sir, we do not do things to please any particular section of the community. We have simply done justice to the zamindar in this case and we are out to do justice between man and man. The main object of this legislation is to pay compensation to the zamindars whose rights have been acquired by the Government and it is just and proper that we should do so. Sir, I should, in this connection, like to draw the attention of the House not only to section 299 of the Government

[Sri H. Sitarama Reddi] [18th November 1949]

of India Act, but also to section 24 of the Constitution Act that is now being enacted by the representatives of the people in the Constituent Assembly. That section says—

'24. (1) No person shall be deprived of his property save by authority of law.

(2) No property movable or immovable including any interest in or in any company, owning any commercial or industrial undertaking, shall be taken possession of or acquired for public purposes under any law, authorizing the taking of such possession or such acquisition, unless the law provides for compensation for the property taken possession of or acquired and either fixes the amount of the compensation or specifies the principles on which and the manner in which the compensation is to be determined and given.'

"So, Sir, the Constituent Assembly which is composed of the representatives of the people of this country have framed a constitution containing this provision, because it is an act of mere justice and equity and a principle of law that compensation should be paid for property rights acquired and so this Government are not paying compensation simply to please somebody or to get somebody's favour. I can assure hon. Members that we can survive without the zamindars' favour and without trying to merely please somebody, because we sitting here have the capacity to do the right thing, the proper thing and the just thing by the people, whose representatives we are.

"Sir, another question that has been raised is that cash compensation would tend to increase inflationary tendencies. My hon. Friend Mr. Govindacharyulu who spoke last, and who I believe is an authority on that subject and who has published some books on economics, has to a large extent removed any such misapprehension and fear.

"Sir, another question was raised, whether the Government of Madras had consulted the Government of India in the matter. Some hon. Member said that if that Government had been consulted, they would not have approved these rules and would have held up our hands. Let me assure hon. Members that the Madras Government know their duty and they have consulted all the people who ought to be consulted. We have taken every care and every precaution to see that payment of money compensation does not upset either the Indian economy or the provincial economy.

"Sir, another suggestion was made by the hon. Leader of the Opposition that instead of paying compensation in cash, we could very well give negotiable bonds payable in instalments. That is a very good suggestion no doubt. But it is not as though the Government have not considered it or would not like to do so. We did examine that question, but there were difficulties pointed out to us and when the New Constitution is finalized, that point will be clarified. But anyway, the present decision of the Government, as I have already said, is to pay compensation in cash and to distribute it as laid down in these rules. I once more assure the House, Sir, that all aspects of the question, including the possibility of inflationary tendencies coming into play, have been considered and all precautions taken to check such tendencies. As I have said just

18th November 1949]

[Sri H. Sitarama Reddi]

now, we have also consulted the Government of India and all those who ought to be consulted and we have also examined the legal, financial and every other aspect of the question and it is only after these things, that we have framed these rules and have placed them before this House for consideration."

MR. PRESIDENT :—" At the session when this Bill for the abolition of the Zamindaris was passed there was a sort of breeze in this House and I then made a reference to it in the course of my speech at the closing of that session. I said, ' Unfortunately, the cordial atmosphere of the House was disturbed while discussing the amendment relating to the rules to be framed under the Bill. The original Bill provided that the rules should be approved by both the Houses, but was changed in the Select Committee. The Government of India Act has no doubt made a difference between the two Houses in some respects. But short of that, I am particularly anxious that nothing should be done to injure the prestige of either House.'

" The then Minister for Revenue stated—

" Therefore, as I have already said on the floor of the House, the Government are prepared to bring these rules under rule 40 by a special motion before this House if it is legally possible, or if it is not possible before such rules are adopted, I would bring an amending Bill so as to provide for the Legislative Council also to discuss it. 5 p.m.

I just want to inform the Government how much this House appreciates the way in which they have managed to bring these rules before this House, and I still more appreciate the remark of the Hon. Minister when he stated that the Bill itself is likely to be amended so that, without any motion being made, any rules to be framed hereafter will automatically come before this House. I just wanted to voice my appreciation as well as the appreciation of this House for the cordial atmosphere which has been brought about by the action of the Government, and I think the Government deserve our praise for this.

" As regards the discussion in this House on the question whether the tenant has to pay or not, it was, as the Hon. Minister stated, a mere academical discussion. The Act is there, and it does not say that the tenant should pay. The Government are very strong on this point. If perchance the Government should change their view, then it would be time for this House to discuss the matter. I am sure the Government know the feelings of the zamin ryot in the whole Presidency. I hope that day would never dawn when the Government would be forced to bring legislation by which they would try to throw even a portion of the burden upon the zamin ryot.

" The House will now adjourn and meet again at 11 o'clock on the 21st November 1949."

The House then adjourned.

[18th November 1949]

APPENDIX I.

[Vide answer to starred question No. 34 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on 18th November 1949, page 461 supra.]

G.O. No. 424, Finance, dated 28th April 1949.

Contingencies—Report of the Special Officer—Instructions to Heads of Departments—Issued.

The Retrenchment and Reorganization Committee which considered the question of economies in contingent expenditure recommended a general reduction of 20 per cent in respect of certain items of contingent expenditure such as office expenses, etc. In respect of other items such as petty construction and repairs, etc., the Committee recommended that the attention of the heads of departments might be drawn to the necessity for restricting the expenditure under these items as far as possible.

2. On a consideration of the recommendations of the Committee the Government appointed a Special Officer to scrutinize the various items of contingent expenditure and to suggest possible economies in such expenditure. The Special Officer inspected 42 offices in all, including at least one typical office in each major department of the Government and submitted to the Government individual reports on the offices visited containing suggestions for economies in contingent expenditure. These suggestions relating to particular departments are being examined separately in consultation with the heads of departments concerned and suitable instructions are being issued.

3. The Special Officer has also made certain recommendations which are common to all Government offices. Though some of these appear in the individual reports mentioned in paragraph 2, the Government have examined these recommendations in general with a view to making them applicable to all Government offices as far as possible. The decision of the Government on these recommendations are appended to this order. All heads of departments are requested to observe the instructions given in the Appendix and issue necessary directions to their subordinate officers.

(By order of His Excellency the Governor)

T. N. S. RAGHAVAN,
Secretary to Government.

To all Heads of Departments (Provincial).

„ the Accountant-General, Madras.

„ the Departments of the Secretariat (all sections).

Copy to Private Secretary to Hon'ble the Premier.

„ Accounts Officer, Tungabhadra Project, Hospet Dam Post (4 copies).

18th November 1949]

APPENDIX.

1. *Telegrams.*—It is observed that the instructions contained in paragraph 6 (b) under item 52 in Appendix 7 of Madras Financial Code, Volume II, for the issue of telegrams are not strictly followed in many offices. All Government servants should examine in each case, where a telegram is proposed to be issued, whether an "express delivery letter" will not be sufficient. The head of each office should submit to the head of the department concerned an annual statement showing the number of telegrams and the number of "express delivery letters" sent from his office in the course of the year; and the head of the department should, where it appears that there is more scope for the use of the latter, draw the attention of the head of the office to the matter.

2. *Local letters, contingent bills and money orders, etc.*—Many officers send local letters, contingent bills, etc., by post involving unnecessary expenditure to the Government. Such expenditure should, wherever possible, be avoided by sending the letters, etc., through the peons of the respective offices.

Many offices in Madras City remit moneys due to local firms by money order. These should be sent by cycle peons in cases where the head of the office is satisfied that the amounts can safely be entrusted to the peons.

3. *Electric current charges.*—The rule in item 28 in Appendix 7 of Madras Financial Code, Volume II, governs the use of punkas and electric fans for non-gazetted establishments. Heads of departments should see that fans are used as sparingly as possible in view of the present need for economy.

4. *Hot and cold weather charges.*—In offices where electric fans and lights are not provided, expenditure is generally incurred on the employment of punkah-pullers and on the purchase of kerosene oil, etc. It is not possible, under the present conditions, to undertake electrification of all such offices; but where proposals for electrification are submitted to the Government in individual cases an estimate of the savings that would result by not having punkah-pullers, etc., should be given, and this fact should be taken into consideration when the question of sanction for electric installations comes up.

5. *Petty coolie and cart hire charges.*—(a) Coolie charges are often paid to peons in many offices to carry letters, to bring parcels from railway station, to take tappals to officers' residences during holidays, to shift furniture, to re-arrange records, to clean cycles, to tear off waste papers, etc. In some cases, they are also paid amounts in excess of the bus, tram or railway fare. Peons are intended for doing the items of work referred to above and are not entitled to be paid any remuneration in addition to their pay for doing them. Such expenditure should be avoided.

(b) In certain offices, conveyance charges are paid to clerks for about 10 days in a month regularly when they work outside office hours or on holidays. In certain other offices, peons and clerks are paid cart hire to go to the petrol rationing office to obtain coupons for officers' use and to go to the Accountant-General's office to get information regarding leave, etc., of gazetted officers. Expenditure of the above kind is inadmissible and the instructions issued by Government from time to time that such expenditure should not be incurred should be carefully observed.

Conveyance charges are paid to clerks in many Government offices several times in a month to go to the Accountant-General's office, treasury or bank for cashing bills. Though this is permissible, the rates paid are far in excess of the bus/train/tram fare. Strict instructions should be issued to all disbursing officers to scrutinize with care the expenditure incurred in their offices on petty coolie and cart hire, and to avoid unnecessary expenditure of the kind mentioned above.

6. *Tour contingencies.*—It is observed that claims made for contingent charges by camp clerks or personal clerks of touring officers in connexion with their tours, for carrying office samans to the station, portage at the station, etc., are often excessive. Heads of departments and other officers should scrutinize carefully tour contingent bills and disallow objectionable or extravagant claims. They should see that the provision included in the

[18th November 1949]

Budget for tour contingent expenditure is reduced to the minimum and that such provision is in no case exceeded. They should also bear in mind the following instructions:—

(a) Not more than one peon should ordinarily be taken to camp by touring officers (other than Hon'ble Ministers and officers of high rank) except for special reasons.

(b) Touring officers may be permitted when necessary and when they do not take a peon to camp, to utilize the peons of local offices if available or to engage coolies for any urgent extra work to be done in camp.

(c) Expenditure should not be incurred out of contingencies for payment of coolie charges or portage for carrying camp box, etc., except where the boxes are heavy and peons cannot reasonably be expected to carry them.

7. *Local purchase of stationery and other articles*—*Local purchase of stationery in contravention of rules in the Stationery Manual and in excess of the sanctioned scale.*—The marginally noted articles of stationery were purchased in some offices. The purchases were irregular, because the articles were either available with the Superintendent of Stationery or their purchase was not admissible under the Stationery Manual. The heads of departments are requested to avoid such irregular expenditure in future.

8. *Menials paid from contingencies.*—Heads of departments should examine the case of all menials paid from contingencies who are employed in offices under their control on a full-time basis and consider whether they may be employed part-time, so that the payment of dearness allowance to them may be avoided, wherever possible.

Where a full-time punkah-puller or watchman is employed in a small office, he may be required to do sweeping work also without payment of extra remuneration. A whole-time watchman in addition to a whole-time sweeper for small offices should be avoided. Menials paid from contingencies should not be appointed in order to increase the strength of peons in an office.

Full-time gardeners seem to be employed now in many offices. The Government consider that full-time gardeners should be employed only where the compound of the building in which the office is located is large and the garden has to be maintained properly (e.g., in cases where vegetables are grown in pursuance of the Grow More Food Campaign). In other cases, arrangements should be made to look after the garden with the help of the sweepers, watchmen, etc., paying small extra remuneration where necessary.

Where a number of small offices are located close to one another, one sweeper may be employed for all the offices put together, but where small offices are scattered and a common full-time sweeper cannot be employed, only part-time arrangements should be made. A full-time sweeper or waterman for a single office should be confined to very big offices such as the Secretariat, High Court, Board of Revenue, Inspector-General of Police, Surgeon-General, Director of Public Instruction, etc.

Heads of departments concerned may, if they consider it *absolutely necessary*, employ full-time menials for any of the above purposes in their own offices.

9. *Books and periodicals.*—In certain offices, four English dailies published in Madras City are purchased. Heads of departments and other officers should see that newspapers are purchased only where they are essential for administrative purposes. In any case, the purchase of more than one newspaper for one office should be the exception and not the rule.

Old copies of newspapers and magazines should be sold periodically and the sale-proceeds credited to the Government. This is not done at present in certain offices.

10. *Petty construction and repairs executed departmentally.*—It is observed that in regard to the departmental execution of petty construction and repairs of buildings in charge of a department, the work is often not up to the standard required. In some cases, the works are done annually as a matter of course before the close of the year to prevent the lapse of funds; and want of proper supervision and technical knowledge is evident

18th November 1949]

in such cases. While it is not possible to entrust the work to the Public Works Department officers or to execute it under their direct supervision in all cases, the departmental officers who are responsible for the maintenance of the buildings should satisfy themselves that the works or repairs are really essential. No works should be executed merely to prevent the lapse of funds. Where repairs are not necessary in a particular year, the provision should be surrendered in time.

11. *Hire of post boxes or window delivery system.*—At present, post boxes are hired in most Government offices. Heads of departments and other officers should see that the expenditure on the hire of post boxes or the window delivery system in offices is avoided wherever it is not essential and the tappals can be got through a peon.

12. *Irregularities.*—The following important irregularities have been brought to the notice of the Government:—

(a) *Irregularities in the maintenance of stock registers.*—Under Article 135, Madras Financial Code, Volume I, a stock account of furniture and other office stores should be maintained in Madras Financial Code Form 10, showing the number received, number disposed of by transfer, sale, loss, etc., and the balance on hand for each kind of article separately; the stock should be verified at least once a year and a certificate recorded. Any loss of stores and furniture due to theft, fraud or negligence noticed during the verification should be written off after proper enquiry—see Articles 143 to 145, Madras Financial Code, Volume I. In spite of the above clear instructions, stock books are not properly maintained in many offices for furniture, cycles or other stores; verification is not also made systematically every year and losses written off.

(b) *Maintenance of contingent registers.*—The contingent registers are not maintained properly in many offices; book adjustment entries are entered in black ink instead of in red ink; recoveries of expenditure are either not entered in the contingent registers or are not noted promptly; the sanctioned appropriation and the expenditure to date are not entered in the registers; advances are treated as regular expenditure; and remittances to banks are not taken as abatement of expenditure.

(c) *Part-payment and advance payment.*—Contrary to the rules in the Madras Financial Code, a part-payment was made in an office in respect of a contingent voucher passed for payment in full, on the ground that the full supply had not been received. A part-payment was made in another office in respect of an electric current bill, on the ground that sufficient funds were not available. In another case, an advance was paid to a contractor to procure electric materials for doing some wiring work in a Government building.

(d) *Grant of advances of travelling allowance and pay out of permanent advance.*—In no case can an advance of pay or travelling allowance be given to members of the superior staff out of contingencies even temporarily. In an office, advances of pay and travelling allowance were granted often to superior staff out of contingencies before the objection book advances bills were cashed.

(e) *Non-recovery of Government dues.*—In a city office in respect of the telephone provided by the Government at the residence of the officer, the cost of half the number of telephone calls made in excess of the 60 calls in a month was not recovered monthly and credited to the Government as required by clause (5) under item 55 in Appendix 7 to Madras Financial Code, Volume II.

(f) *Rush of expenditure in March and drawal of money in advance to avoid lapse of funds.*—In many offices, there is an undue rush of expenditure in the month of March in violation of the instructions laid down in Article 39, Madras Financial Code, Volume I, and the instructions issued by the Government from time to time. In many cases, it would seem that such expenditure is incurred not because there is a need for it but because there is appropriation available. This is irregular and opposed to the canons of financial propriety.

All heads of departments and other officers should take steps to see that such irregularities are avoided in future.

[18th November 1949]

13. *Personal financial responsibility of officers.*—Personal financial responsibility as laid down in Articles 3, 5 and 118 of Madras Financial Code, Volume I, should be enforced on all officers for improper or wasteful expenditure incurred by them or loss occurred by neglect of duties on their part.

APPENDIX II.

[Vide answer to starred question No. 35 asked by Sri R. Suryanarayana Rao at the meeting of the Legislative Council held on 18th November 1949, page 464 supra.]

Theory and Practice.

1. Aim and scope of Basic Craft.
2. Psychological foundations of craft-work.

The relation between motor development and mental development. Hand-work as an educative form of motor activity—Hand-work regarded as an indirect means of Education.

3. Hand-work and book-work.
4. Special aspect of Craft Training.
5. Directed hand-work and original hand-work—Place of drills in manual education, Pedagogical applications.
6. Study of the Basic School Craft syllabus—Why and how of it.
7. Methods of teaching the craft and organizing as educational unit centred round work.
8. Planning—Preparation—Actual work—Finishing—Recording—Assessment—Formation of habits and attitudes.
9. Tests at various stages.
10. General requirements—Collection and care of raw materials and tools—Disposal of products.
11. Mastering craft processes—

- (1) Cleaning.
- (2) Ginning.
- (3) Carding.
- (4) Slivering and spinning.

Different methods and processes under each activity to be learnt and practised.

Community life.

(Kitchen work, Gardening, Health and Cleanliness.)

1. Aim and Scope.
2. Actual sharing in community life—Individual responsibilities and rights.

18th November 1949]

3. Organization of community life in a day school—How far possible.

4. Importance of health and cleanliness—Health—Preventive and curative.

5. How to use activities coming under this major activity as centres of education.

6. Study of the syllabuses for basic schools.

7. Means of measuring mental growth.

Cultural and Recreational activities including rural science.

1. Aim and Scope.

2. Organizing cultural and recreational activities in the school in the village—Plan and execution.

3. Study of regional literature—Study of Indian History with reference to cultural development.

4. Study of religions—Celebration of certain festivals.

5. Methods of training children—Surveying—Understanding rural problems—Planning activities—Exhibitions—Activities appropriate to the different age levels.

6. Providing opportunities for the development of individual talents and tastes—Rural sports and games—Dramas and other entertainments.

Work with children.

1. Observation of practising school children—At work, at play—Maintaining records—Use of the records.

2. Study of different types of behaviour and behaviour problems.

3. Motives expressed in children's play, work and acquisition of knowledge study of instincts and emotions arising out of personal observation of basic school children—How to modify or sublimate undesirable (non-social) instincts and emotions.

4. Formation of character—Character development and early experiences—Habit formation—Making and breaking of habits.

5. Social behaviour—Influence on an ordered community on personal development—the part played by heredity.

6. Principles of curriculum construction—The need for a graded syllabus—Preparation of literature.

7. The time-table.

8. Discipline—The new conception.

9. Registers and records value of school statistics.

10. Supervision—Inspection and examination—Check up work.

[18th November 1949]

Training school organization.

1. Functions of a basic training school—The new emphasis.
2. Different traits that are required of a basic school teacher—How to develop these traits—The formulation and uses of self-rating scale.
3. Practical work in the training period—Importance of professional training in the course—Knowledge of child and its environment—Ways and means of securing this knowledge.
4. Different ways of arranging practice teaching work.
5. Teaching aids and their preparation.
6. Study of the training school syllabus and scheme of work.
7. Assessing the work of pupil teachers—Records.
8. Examinations and the award of certificates.

APPENDIX III.

[Vide item IV at page 498 supra.]

Draft rules under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948.

Notice has been received of the following :—

THE HON. SRI H. SITARAMA REDDI will move—

• That the following draft of the rules which it is proposed to make in exercise of the powers conferred by sub-section (1) of Section 40 of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, be taken into consideration.

DRAFT RULES.

1. The compensation payable in respect of every estate shall be paid in cash.

2. In the case of an estate not being an estate which was held immediately before the notified date by a religious, educational or charitable institution—

(i) if the basic annual sum in respect of the estate does not exceed Rs. 3,000, the compensation shall be paid in one lump sum ;

(ii) if the basic annual sum in respect of the estate exceeds Rs. 3,000 but does not exceed Rs. 50,000, the compensation shall be paid in equal annual instalments not exceeding three in number ; and

(iii) if the basic annual sum in respect of the estate exceeds Rs. 50,000 the compensation shall be paid in equal annual instalments not exceeding five in number.

3. The compensation in respect of the estate where it is payable in one lump sum, and the first instalment of the compensation

18th November 1949]

where it is payable in instalments, shall be paid not later than six months from the date on which the settlement operations in respect of the estate are completed, or where the date is earlier than the date of expiry of the three fasli years referred to in Section 30 of the Act or Section 34 thereof, as the case may be, not later than three months from the latter date.

4. Where compensation is payable in instalments under rule 2, interest shall accrue at 3 per cent per annum on the portion of the compensation still remaining to be paid on the date of payment of the first instalment, from that date up to the date of payment of the second instalment; and the interest which so accrues shall be paid on the date of payment of the second instalment. Likewise, interest shall accrue at the same rate on the portion of the compensation still remaining to be paid on the date of payment of the second or a subsequent instalment, from that date up to the date of payment of the third or the next succeeding instalment, as the case may be; and the interest which so accrues shall be paid on the date of payment of the third or the next succeeding instalment, as the case may be.

5. Every payment referred to in the foregoing rules shall be made by way of deposit in the office of the Tribunal under Section 41 (1) of the Act.

6. (1) Any sum payable to a religious, educational or charitable institution under sub-section (1) of section 38 as a tasdic allowance, or under sub-section (2) of that section to make good the deficiency referred to in that sub-section, in respect of any fasli year commencing from the fasli year in which the basic annual sum referred to in the said sub-section (1) is finally determined, shall be paid by deduction from the beriz of the village concerned; and in so far as it cannot be so paid, shall be paid in cash to the institution from the sub-treasury of the taluk in which the village is situated.

(2) The payments referred to in sub-rule (1) shall be subject to adjustment as provided in section 54 (2), of the Act, and shall be made before the end of the fasli year to which they relate.

7. These rules shall be deemed to have taken effect on the 19th April 1949.

